

**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**STATE OF ALABAMA**  
**SECOND**  
**EXTRAORDINARY**  
**SESSION**  
**OF 1984-85**

**HELD IN THE CITY OF MONTGOMERY,  
COMMENCING MONDAY, DECEMBER 17, 1984**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE  
CLERK OF THE HOUSE**

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FIRST DAY

House of Representatives  
Montgomery, Alabama  
Monday, December 17, 1984

Be it remembered that on the 17th day of December, 1984, His Excellency, George C. Wallace, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows to-wit:

STATE OF ALABAMA  
PROCLAMATION  
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901.

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 6:00 p.m., on Monday, December 17, 1984, and I do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to deal with workmen's compensation benefits for the working people of the State of Alabama, and in particular to increase, extend, and improve workmen's compensation benefits, and legislation relating to co-employee liability to place certain reasonable restrictions thereon.
2. Legislation to extend the statute of limitations for civil negligence liability suits, so as to give all citizens of the State of Alabama more reasonable time in which to consider the reasonability of filing suits to recover damages for injuries caused to them by the wrongful actions of others.
3. Legislation to extend or remove the statute of limitations in certain criminal matters relating to, but not limited to child abuses, child molestation, rape, or other crimes wherein the Legislature deems the extension or removal of the statute of limitations to be appropriate.

4. Legislation to allow for jury verdicts in civil matters to be achieved by less than unanimity among jurors, conditioned upon the approval and consent of all litigants who might be affected by said jury verdict.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State at the capitol, in the City of Montgomery, on this the 17th day of December, 1984.

GEORGE C. WALLACE,  
Governor.

ATTEST:

DON SIEGELMAN,  
Secretary of State.

### PRAYER

The session was opened with prayer by Dr. Karl K. Stegall, Senior Minister, First United Methodist Church, Montgomery, Alabama.

### OATH OF OFFICE

The oath of office was administered to Hon. John T. Beasley of Henry and Houston Counties by Hon. Tom Drake.

### ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—102

A quorum was present.

### LEAVE OF ABSENCE

At the request of Rep. Martin, leave of absence was granted for Reps. Carter and Parker.

### RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for transaction of public business.



civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-78 of the Code of Alabama 1975, to provide that, effective July 1, 1985, the maximum weekly benefit shall be 100 percent, rather than 66- $\frac{2}{3}$  percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$190 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975; and to provide that the foregoing amendments and clarification are

SECOND EXTRAORDINARY SESSION  
1st Day

5

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,  
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Blake, Fuller and White (F).

NOTICE IN WRITING

Rep. Holley filed the following Notice in Writing:

BE IT RESOLVED That the following joint rule relative to Act No. 81-889 is hereby adopted:

No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

~~Further provided~~ that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Johnson (Roy), Drake, Campbell, Biddle, Coleman, Harper, Gaston, Bachus, Holley, Hall, Hooper, Martin, Clark (J), Mathis, Turner, Laird, Venable, White (L), Fuller, Reed, Kvalheim, Newman, Penry, White (G), Richardson, Beers and Zoghby:

H. 1. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit

SECOND EXTRAORDINARY SESSION  
1st Day

7

applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Committee on Judiciary.

By Reps. Smith, Beers, Starr, Blakeney, Grouby, Gray, Boles, Coleman, Clark (J), Venable, Mitchell, Hooper, Burke, White (L), Bachus, Seibels, Blake, Pratt, Zoghby, Faulk and Fuller:

H. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Committee on Judiciary.

By Reps. Turner and Zoghby:

H. 3. Appropriating a certain percentage of certain bonus and royalty revenues received by the state from oil and natural gas production on certain state property herein defined as "Grant's Pass" in Mobile County, Alabama to the Alabama State Docks for purposes of capital outlay or bond redemption for deepening the ship channel at the port of Mobile.

Committee on Ways and Means.

By Rep. Albright:

H. 4. To provide further for the Alabama Emergency Management Act, Articles 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 16, 17, 18, 20, 21, 22 and 24 of Chapter 9, Title 31, Code of Alabama 1975, so as to include certain other causes of emergencies other than those resulting from hostile military action, to encourage counties and other political subdivisions to assist in emergency management programs and to authorize state grants thereto for such programs, to provide for the appointment of directors for local organizations which aid in emergency management; to authorize political subdivisions to evacuate civilians during emergencies, to provide further for penalties for violations of said Chapter 9; and to provide continuing annual appropriations for certain emergency management programs at the governor's discretion.

Committee on State Administration.

By Reps. Bugg, Albright, Crow, Harper, Blake, Boles, Gray, Trammell, Onderdonk, Junkins, Nicholson, Newman, Hettinger, Coleman, Burke, Kennedy, Zoghby, Hooper, Cosby, Escott and Melton:

H. 5. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to include all boards, commissions and agencies within the purview of the statute.

Committee on State Administration.

By Reps. Bugg, Junkins, Newman, Starkey, Hettinger, Coleman, Burke, Kennedy, Hooper, Zoghby and Cosby:

H. 6. To provide that persons over 65 years of age, disabled or blind who are entitled to certain ad valorem tax exemptions shall not be required to file an application for said exemption annually.

Committee on Ways and Means.

By Rep. Grayson:

H. 7. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975,

to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Committee on Ways and Means.

By Rep. Grayson:

H. 8. To amend Section 16-36-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee

Committee on Ways and Means.

By Reps. Turnham and Rice (With Notice and Proof):

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kvalheim and Gaston:

H. 10. To amend Sections 40-12-240 and 40-12-242 of the Code of Alabama 1975, which relate to motor vehicle licenses, so as to define the term "recreational vehicles" and to further provide for the license tax and fees on said recreational vehicles.

Committee on Ways and Means.

By Reps. Smith, White (F), Starr, Blakeney, Onderdonk, Grouby, Richardson, Clark (J), Coleman, Burke, Blake and Faulk:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

Committee on Agriculture and Forestry.

The above bill was read a first time at length as required by the Constitution.

By Reps. Smith, White (F), Starr, Blakeney, Onderdonk, Grouby, Richardson, Clark (J), Coleman, Burke, Blake and Faulk:

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the

SECOND EXTRAORDINARY SESSION  
1st Day

9

cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Committee on Agriculture and Forestry.

By Rep. Harper:

H. 13. Relating to the wholesale tax on gasoline and lubricating oil levied by Section 40-17-174, Code of Alabama 1975, so as to exempt certain sales by marine fuel dealers to certain commercial vessels.

Committee on Ways and Means.

By Reps. Crow, Laird, Bugg, Pratt and Blake:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

Committee on Judiciary.

By Rep. Cosby:

H. 15. To exempt The Dallas Fair Association and/or the Central Alabama Fair from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Cosby:

H. 16. Proposing an amendment to the Constitution of Alabama of 1901 prohibiting the legislature from enacting legislation that increases the salary or the salary supplement of a public employee or an elected official of a political subdivision of the state without a resolution of the governing body of such employing subdivision calling for the passage of such legislation.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Cosby:

H. 17. Proposing an amendment to the Constitution of 1901, as amended, relating to statewide compensation legislation funded by county funds.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Cosby:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Committee on State Administration.

By Rep. Smith:

H. 19. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Committee on Agriculture and Forestry.

By Reps. Harper, Gaston, Marietta, Turner, Penry, Box, Kennedy, Johnson (Roy), Clark (W) and Buskey (James):

H. 20. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

Committee on Ways and Means.

By Rep. Campbell:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Committee on Judiciary.

By Rep. Starr (With Notice and Proof):

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 22, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$1,000.00 to \$1,250.00 for the first conviction, \$1,250.00 to \$1,500.00 for the second conviction and \$1,500.00 to \$2,000.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation shall be confiscated and upon conviction become the property of the department of conservation and natural resources.

Committee on Natural Resources.

By Rep. Harper:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Committee on Natural Resources.

By Rep. Holley:

H. 25. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a

Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Committee on State Administration.

By Rep. Holley:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Committee on State Administration.

By Reps. Smith, Starr and Blakeney:

H. 27. To amend Section 2-3A-2, Code of Alabama (1975), which defines terms used by the Alabama Agricultural Development Authority by expanding the definition of agricultural facility to also mean agri-business.

Committee on Agriculture and Forestry.

By Rep. Campbell:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Committee on Judiciary.

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith, a message from Governor George C. Wallace.

Done this 17th day of December, 1984.

Respectfully submitted,

ELVIN L. STANTON,  
Executive Secretary.

#### MESSAGE FROM THE GOVERNOR

The Alabama Legislature  
State Capitol  
Montgomery, AL 36130

Dear Ladies and Gentlemen:

I know that I have called you into this extraordinary session of the Alabama Legislature at a time when you need to be near your families and,

also, at a time when many of you find it difficult to be away from your businesses.

However, this is a very critical time for Alabama and I feel that the issues which we are presenting to you today are vital to the State's future. Many large industries are looking at several states at this time, including Alabama, as a possible place to locate new or expanded industries. The law permitting lawsuits among employees of the same employer for simple negligence in Alabama is causing manufacturers to reject Alabama as a place to put industrial operations which increase the number of jobs available to our workers. This law is also causing many of our current industries to consider moving out of Alabama to other states. We have received letters and other publications to that effect in recent days.

The particulars surrounding the co-employee law at this time are well known and I will not burden you with them in this message. Simply, we are going to ask you to pass into law a bill which will bring Alabama into line with a majority of our sister states. Currently, only two other states allow co-employee lawsuits for a simple negligent action; Maryland and Wyoming. Florida, Iowa, and Minnesota require an act wanton/gross negligence. Twenty-nine other states require the level of negligent misconduct causing an injury to be willful or intentional. Fifteen states have total immunity. We are asking you to pass a bill written by the members of the joint interim committee to study the co-employee liability and workmen's compensation benefit legislation which I believe you will find fair to both workers and management. It will bring us into line with twenty-nine other states establishing that a willful act of negligence must be committed before a lawsuit can be successfully litigated, with certain defined exemptions. Also, it will provide a significant increase in the amount of benefits available to injured Alabama workers under Workmen's Compensation. I believe you will find this bill fair and furthermore it should correct our co-employee problem and help to attract more jobs into Alabama.

When I left the Governor's Office in 1979, we were rated second only to Texas in the list of states with the most favorable climate for business and industry. We also had a very low rate of unemployment. Today our rating among states with the favorable climate to business industry is in the mid twenties and our level of unemployment is approximately 10.4 percent, third highest in the nation. The only significant change to Alabama's laws since the mid 1970's has been the State Supreme Court's decision which allows the co-employee lawsuits. Passage of the bills which we are submitting to you should help move Alabama toward the top again in its attractiveness to business and industry. I feel that this will enable us to attract thousands of additional jobs in Alabama and we will see our percentage of unemployment decrease and our standing among the other states in the nation become much more favorable in the near future.

Some very large industries have told me as they announced recent plant locations and expansions in Alabama that their employment level would grow to much larger numbers if we addressed the co-employee problem and brought about a good law in this state.

We are also presenting legislation to you to move the statute of limitations from one to two years in civil tort cases in Alabama. This is another area in which our state is currently in a very minority position. Only four other states have one year statute of limitations in regards to civil action. We are going to ask you to move Alabama into line with 20 additional sister states



1st Day

by increasing the statutes from one to two years. Twenty-five states have statute of limitations of more than two years.

Also we are going to ask you to pass into law a bill allowing for a civil jury verdict with less than a unanimous vote by the jury, providing the parties in the litigation have prior agreement. This will not force this change upon any party in court action but will allow them to mutually decide if they want something less than a unanimous vote for a verdict.

In addition to the civil tort changes, we are presenting to you a bill designed to remove the statute of limitations regarding certain criminal actions in the case of rape and other sexual offenses in violent crimes. The Attorney General has written me a letter requesting that we address this matter in the Special Session and I agree with him that this should be done at this time. We should not allow individuals who commit acts of rape, child molestation, and other violent crimes to go scott free just because a period of time has expired between the time of their action and the time when they are caught. I do not believe that the Legislature nor the Governor of this state intended for the statute of limitations to apply in these cases in the first place. We can correct this law at this opportunity. I do not believe that this bill will be controversial.

Hopefully, you can do your work in five days. I know some of these proposals have been very controversial. I believe the issues are well known to every member of the Legislature and that you will principally be hearing the same arguments that you have heard in the past. I agree with Senator Charles Bishop and others that this package of bills will be one of the best Christmas presents that this Governor and this Legislature could present to the people of Alabama this year.

Please allow me to commend the House and Senate members of the joint interim committee studying the co-employee liability matter and Workmen's Compensation. I know their job has been difficult but it has been very productive. Senator Charles Bishop, Senator Steve Cooley, Representative Roy Johnson, Senator Danny Corbett, Senator Frank Ellis, Senator Mac Parsons, Representative Jim Campbell, Representative Tom Coburn, Representative Sundra Escott and Representative John Tanner members of this committee are all to be commended for their diligence and outstanding work.

Also, I would like to commend Lt. Governor Bill Baxley and Speaker Tom Drake for helping to bring this committee action about and getting us to the point where we are today.

Again, I understand the timing of this call and I beg your sacrifices and diligence to address these issues and pass this legislation in the minimum amount of time possible.

Thank you very much.

Sincerely,

GEORGE C. WALLACE,  
Governor.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Drake, Bowling, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder,

Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

**H. J. R. 3. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.**

WHEREAS, in consensus of deep sorrow and regret, the Legislature of Alabama records the untimely death of Finis Ewing St. John, III, on October 25, 1984, at the age of just 51 years; and

WHEREAS, our valued friend and former colleague, Finis St. John was a native and lifelong resident of Cullman, Alabama; he was educated at the University of Alabama, earning the B.S.L., LL.B and J.D. degrees, and at the time of his death, was engaged in the private practice of law; and

WHEREAS, he also had served as a director of Leeth National Bank and First Federal Savings and Loan Association of Cullman; he was a communicant of Grace Episcopal Church, past president of the Alabama Young Lawyers Association and was affiliated as well with numerous other professional, civic and community organizations; and

WHEREAS, further, Finis St. John, III, a distinguished public servant, was the fourth consecutive member of his family to serve in the Alabama Legislature; his tenure included one term in the Alabama House of Representatives and two four-year terms as senator, serving as President Pro Tem during his second senatorial term; and

WHEREAS, in the death of Finis St. John, III, the State of Alabama has lost a learned statesman, an astute jurist, and a truly honorable man; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That even as we grievously mourn, we give thanks for the life, the labors and the friendship of Finis St. John, III, of Cullman, Alabama.

**BE IT FURTHER RESOLVED,** That in expression of love and concern, copies of this resolution shall be forwarded to Senator St. John's wife, Juliet, and to his beloved sons, Bill and Fess, whose sorrow we share, and whose loss also is ours.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 3, was adopted.

Also:

By Reps. Drake and Bowling:

**H. J. R. 4. NAMING THE HIGHWAY 157 BY-PASS, FROM U.S. 31 TO U.S. 278 IN CULLMAN COUNTY, ALABAMA, THE "FINIS ST. JOHN, III, DRIVE."**

WHEREAS, Finis St. John, III, a distinguished Alabamian, served for twelve years in the Alabama Legislature, an illustrious tenure which included four years in the House of Representatives and two, four-year terms in the Alabama Senate; and

WHEREAS, Senator St. John's effectiveness in public service was reflected in his many accomplishments, and in the respect of his peers who were unanimous in his selection to serve as President Pro Tem of the Senate and second in line of succession to the governorship; and

WHEREAS, as a tribute to one of Alabama's most prominent citizens and in recognition of outstanding service to our state, it is entirely fitting that the memory of Finis St. John be commemorated and, most appropriately, in his beloved Cullman County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in posthumous acclaim, we hereby name and designate the Highway 157 By-Pass, from U.S. 31 to U.S. 278 in Cullman County, Alabama, as the "Finis St. John, III, Drive".

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said portion of Alabama 155 as the "Finis St. John, III, Drive".

RESOLVED FURTHER, That Senator St. John's family receive a copy of this resolution that they may be advised of this commemorative designation of the Alabama Legislature.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Reps. Cosby and Bryant:

H. J. R. 5. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

WHEREAS, The Legislature of Alabama notes with highest commendation the distinguished career of Judge Edgar P. Russell, Jr., of Selma, Alabama, who retired August 1, 1984, as Presiding Judge of Alabama's 4th Judicial Circuit; and

WHEREAS, Judge Russell had served as circuit court judge since July 1969, having previously served as city judge in Selma from 1959 to 1969; and

WHEREAS, upon retirement, Judge Russell was honored for his many years of distinguished and dedicated service, and was the recipient of a number of gifts, good wishes and words of praise from his co-workers, Dallas County public officials, many friends and fellow Dallas Countians; and

WHEREAS, we are pleased to note, however, that Judge Russell continues to be active through special assignments in other circuits throughout Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Judge Edgar Russell, Jr., on his illustrious judicial career, and direct that he receive a copy of this resolution expressing our utmost esteem and highest personal regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

By Rep. Biddle:

H. J. R. 6. COMMENDING THE MEDICAL CENTER OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM, ITS ADMINISTRATORS, TRANSPLANT SURGEONS, ALABAMA REGIONAL ORGAN BANK, HISTOCOMPATIBILITY LABORATORY, AND ALL OF THE OTHER INVOLVED FACULTY AND STAFF FOR THEIR CONTRIBUTIONS IN ESTABLISHING THE ALABAMA TRANSPLANT CENTER.

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That, after terminating his appointment as a member of the Board of Governors and Chairman of the Department of Surgery at the Mayo Clinic in 1966 and joining the Faculty as Professor and Chairman of the Department of Surgery at UAB, Dr. John W. Kirklin has provided leadership and encouragement to the developing transplant programs; and

WHEREAS, since May 8, 1968, when the first kidney transplant in Alabama was performed by Dr. Arnold G. Diethelm, the transplant programs at the Medical Center of The University of Alabama at Birmingham have grown in numbers of patients cared for and the quality of care to become recognized nationally for their excellence including the growth and development of organ procurement and preservation, laboratory and personnel for tissue typing and the technical considerations for patient care after transplantation; and

WHEREAS, because of the skills and dedicated efforts of Dr. Arnold G. Diethelm and Dr. John W. Whelchel (kidney transplant surgeons), and Dr. Robert B. Karp, Dr. James K. Kirklin and Dr. David C. McGiffin (heart transplant surgeons), and Dr. Joaquin S. Aldrete (liver transplant surgeon), persons suffering from diseased and failing hearts, livers and kidneys are offered hope of a longer and better quality of life through transplantation; and

WHEREAS, because of their commitment to provide the necessary resources, The University of Alabama at Birmingham Administrators Dr. Joseph F. Volker, Dr. S. Richardson Hill, Jr., and Dr. C. A. (Scotty) McCallum have made possible the establishment of appropriate and excellent facilities for transplantation programs; and

WHEREAS, the Alabama Regional Organ Bank and the University Hospital Critical Care Units have provided the organ procurement capability and other services, so vital to the transplant programs; and

WHEREAS, the Government of the United States, recognizing transplantation to be the therapy of choice in appropriate circumstances, enacted the National Organ Transplant Act in 1984; and

WHEREAS, patients from not only Alabama, but from other states and foreign countries have referred to The University of Alabama at Birmingham Medical Center for either heart, liver or kidney transplants; and

WHEREAS, the Medical Center of The University of Alabama at Birmingham has been, and is the only Transplant Center in Alabama, where Alabamians may receive heart, liver or kidney transplants; and

WHEREAS, since 1968 the date of the first kidney transplant, the Medical Center of The University of Alabama at Birmingham has performed, through December 1, 1984, 1157 kidney transplants, 48 heart transplants and 4 liver transplants; and

WHEREAS, because of the skilled personnel and outstanding facilities at the Medical Center at UAB, national and international recognition has come to Birmingham and to the entire State of Alabama, because the transplant programs can provide the necessary diagnostic, surgical, nursing, pathological and patient monitoring skills necessary if such highly specialized surgery is to succeed; and

WHEREAS, this body assembled wishes to commend the Medical Center of The University of Alabama at Birmingham, its Administrators, Transplant Surgeons, Alabama Regional Organ Bank, Histocompatibility Laboratory, and all of the other involved faculty and staff in establishing The Alabama Transplant Center;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of Alabama, both Houses concurring, hereby recognizes the great contributions made to the health and welfare of the people of Alabama, and indeed to the nation and the world, by the skilled professionals of The Alabama Transplant Center of The University of Alabama at Birmingham Medical Center.

BE IT FURTHER RESOLVED, that the Legislature of Alabama, both Houses thereof concurring, hereby expresses its pride in the outstanding transplant programs carried out at the Center, and herewith conveys its deep appreciation to the many skilled members of the faculty and staff and administrators at the Center of the fame and renown which has redounded to the State of Alabama because of their outstanding efforts.

BE IT FURTHER RESOLVED, that Dr. Diethelm and other members of the faculty and staff and administration of The Alabama Transplant Center receive a copy of this resolution as evidence of our high esteem.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

By Rep. Boles:

H. J. R. 7. COMMENDING DR. EVELYN PRATT FOR SERVICE ON THE STATE BOARD OF EDUCATION REPRESENTING THE 8TH DISTRICT OF THE STATE BOARD OF EDUCATION

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the outstanding service that Dr. Evelyn Pratt has rendered to her state and country; and

WHEREAS, Dr. Evelyn Pratt has been a loyal and devoted member of this State Board of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Evelyn Pratt be afforded the same considerations and remunerative expenses that are currently provided for the Superintendent of the Huntsville City School System.

BE IT FURTHER RESOLVED, That Dr. Evelyn Pratt and the Superintendent of the Huntsville City School System receive a copy of this

resolution in sincere expression of our deep admiration and regard of her extraordinary accomplishments and professional achievement.

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Boles:

H. R. 8. COMMENDING DR. EVELYN PRATT FOR SERVICE ON THE STATE BOARD OF EDUCATION REPRESENTING THE 8TH DISTRICT OF THE STATE BOARD OF EDUCATION

Also:

The following resolution was introduced:

By Rep. Turner:

H. J. R. 9. COMMENDING MR. BLEWETTE TANNER OF MOBILE COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with highest commendation the outstanding community service of Mr. Blewette Tanner of the Wilmer Community, Mobile County, Alabama; and

WHEREAS, Mr. Tanner, who is now 82 years young, has both voted and served as a poll worker at every election since 1923 when he first became eligible to vote at the age of 21 years; and

WHEREAS, though Mr. Tanner was unable to be at the polls at the recent November general election, due to his hospitalization, his is indeed an enviable record of patriotism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Blewette Tanner as one of our State's most responsible and dedicated citizens.

BE IT FURTHER RESOLVED, That in token of our sincere praise and esteem, a copy of this resolution shall be forwarded to Mr. Tanner.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 10. CONGRATULATING MR. AND MRS. OBIE RUSSELL ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 11. CONGRATULATING MR. AND MRS. TRAVIS INGRAM ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 12. CONGRATULATING MR. AND MRS. ZEEK GIDDENS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 13. CONGRATULATING MR. AND MRS. SIDNEY C. MOBLEY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Gaston, Kvalheim and Marietta:

H. J. R. 14. COMMENDING RONALD DAVID REAMS, PROMINENT MOBILE JOURNALIST.

WHEREAS, Ronald David Reams is a distinguished broadcast journalist who has served as news director for Mobile radio stations WBLX, WMOO and WABB, and as a former news reporter for WKRG radio; and

WHEREAS, Mr. Reams, who is a member and director of the Mobile Press Club, also is a member of the Society of Professional Journalists, Sigma Delta Chi, and currently holds the office of first vice president of the local Mobile chapter; and

WHEREAS, during his outstanding career, Mr. Reams has received numerous awards and recognition for professional accomplishments including the 1982 Communications Award from the Mobile Chapter of the American Red Cross for outstanding public service to the community and, also in 1982, the prestigious UPI "Stringer of the Year" award from the Alabama United Press International Broadcasters as the most prolific contributor to the UPI wire service that year; and

WHEREAS, he further is the recipient of the 1983 Mobile Press Club's award for outstanding journalistic achievement as a radio news reporter, and the 1984 Alabama Baptist Communications Award in recognition by the Alabama Baptist State Convention for outstanding service to his community, church and profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ronald David Reams of Mobile, Alabama, for outstanding professional achievement and community service, and direct that a copy of this resolution be forwarded to him in token of our sincere praise and highest regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 14, was adopted.

Also:

By Rep. Laird:

H. J. R. 15. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

WHEREAS, the textile and apparel industry is our state's largest manufacturing industry, employing 93,000 Alabamians, representing one-third of our state's total manufacturing employment, and with payrolls over one billion dollars annually; and

WHEREAS, the textile/apparel manufacturers contribute millions of tax dollars to the economic, social, and cultural growth and success of our state, as well as thousands of dollars annually for scholarships, universities, technical schools, and for other support in the field of education; and

WHEREAS, the textile/apparel industry is of vital importance to the continued prosperity of our state and its people, and since there have been recent plant closings and a loss of 5,000 jobs in Alabama due to the flood of imports which are at record high levels—increasing 56% over the same period in 1983, and realizing for every 1,000 jobs lost in textiles/apparels, an additional 1,000 jobs are lost within a wide range of businesses and services as a result; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the President and Congressional leaders in Washington to take proper action to assure fair trade and preserve American jobs in our textile/apparel industry throughout the nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be mailed to President Reagan and to each member of the United States Senate and House of Representatives.

On motion of Rep. Laird, the rules were suspended and the resolution, H. J. R. 15, was adopted.

#### CO-SPONSOR ADDED

Rep. Hooper was added as co-sponsor to the resolution, H. J. R. 15.

Also:

By Rep. Johnson (Roy):

H. J. R. 16. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Tuesday, Dec. 18, 1984.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Reps. Martin, Flowers, Drake, Holley, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell,



Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 17. COMMENDING THE TROY STATE UNIVERSITY TROJANS, 1984 NCAA DIVISION II NATIONAL CHAMPIONS.

WHEREAS, the Legislature of Alabama, with utmost pride and pleasure, extends heartiest congratulations to Troy State University on its 1984 Gulf South Conference Championship and the 1984 NCAA Division II National Title; and

WHEREAS, the Trojans made one of the most dramatic comebacks in the history of NCAA Championship competition by defeating the defending champion, North Dakota State, 18-17, on a last second, 50-yard field goal; and

WHEREAS, the Troy State University Trojans indeed conducted themselves as true champions in keeping faith in the face of adversity and in persevering to reach their goal; and

WHEREAS, even as the Troy State University players share the spotlight, each an individual champion, they also share the credit for each and every victory with outstanding performances by all players, all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most proudly praise and commend the 1984 Troy State University football team, and their coaches, on their spectacular season, the 1984 Gulf South Conference Football Title and, most particularly, the NCAA Division II National Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Coach Chan Gailey and his distinguished staff, to each member of the 1984 Championship team, to Athletic Director Robert Stewart and to Troy State University President Ralph Adams that they all may know of our sincere regard, and in recognition of the fame and honor they have brought to themselves, their families, their university and to the State of Alabama.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 17, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Foshee, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 2. MOURNING THE DEATH OF CAROLINE SEALE CAVANAUGH.

McDOWELL LEE,  
Secretary.

JOURNAL OF THE HOUSE, 1984  
1st Day

SENATE MESSAGE

On motion of Rep. Coburn, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, the title of which is set out in the above and foregoing Message from the Senate.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 4:00 o'clock p.m., Tuesday, December 18, 1985.

SECOND DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, December 18, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Eddie Gillenwater, First Church of God, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—102

A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Martin, leave of absence was granted for Rep. Parker.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Holley, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

## BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975: which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of 'employer' shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death: to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee, to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer: to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon

willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative: to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent: to amend Section 25-5-78 of the Code of Alabama 1975, to provide that, effective July 1, 1985, the maximum weekly benefit shall be 100 percent, rather than 66⅔ percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$190 per week: to amend Section 25-5-77 of the Code of Alabama 1975, to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer: to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job: to provide for the establishment of safety committees by certain employers and certain safety notices: to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975: and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Rep. Campbell, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 2. (With Amendment): To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes: to specify the conduct to which this amendment applies: to provide for severability: and to provide for an effective date.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

The above bill was read a second time at length as required by the Constitution.

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

H. 27. To amend Section 2-3A-2, Code of Alabama (1975), which defines terms used by the Alabama Agricultural Development Authority by expanding the definition of agricultural facility to also mean agri-business.

H. 19. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$1,000.00 to \$1,250.00 for the first conviction, \$1,250.00 to \$1,500.00 for the second conviction and \$1,500.00 to \$2,000.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation shall be confiscated and upon conviction become the property of the Department of Conservation and Natural Resources.

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 22. Relating to Montgomery County: to provide for an additional expense allowance for the members of the county board of equalization.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 25. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

H. 26. To provide that any member of the teachers retirement system or the employees retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 5. (With Amendment): To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to include all boards, commissions and agencies within the purview of the statute.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 4. NAMING THE HIGHWAY 157 BY-PASS, FROM U.S. 31 TO U.S. 278 IN CULLMAN COUNTY, ALABAMA, THE "FINIS ST. JOHN, III, DRIVE."

Also:

H. J. R. 3. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

Also:

H. J. R. 6. COMMENDING THE MEDICAL CENTER OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM, ITS ADMINISTRATORS, TRANSPLANT SURGEONS, ALABAMA REGIONAL ORGAN BANK, HISTOCOMPATIBILITY LABORATORY, AND ALL OF THE OTHER INVOLVED FACULTY AND STAFF FOR THEIR CONTRIBUTIONS IN ESTABLISHING THE ALABAMA TRANSPLANT CENTER.

Also:

H. J. R. 9. COMMENDING MR. BLEWETTE TANNER OF MOBILE COUNTY, ALABAMA.

Also:

H. J. R. 14. COMMENDING RONALD DAVID REAMS, PROMINENT MOBILE JOURNALIST.

Also:

H. J. R. 15. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

Also:

H. J. R. 16. RELATIVE TO ADJOURNMENT OF THE LEGISLATURE.

Also:

H. J. R. 17. COMMENDING THE TROY STATE UNIVERSITY TROJANS, 1984 NCAA DIVISION II NATIONAL CHAMPIONS.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

McDOWELL LEE,  
Secretary.

#### LEAVE OF ABSENCE

At the request of Rep. McKee, leave of absence was granted for Rep. Starr.

#### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Holley, Johnson (Roy), Poole and Smith:

H. 29. To amend Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers and to require that such penalties be deposited to the credit of the general fund; to authorize the Alabama Department of Environmental Management, Attorney General and District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to authorize the Alabama Department of Environmental Management to employ attorneys and special counsel to represent it; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses and variances.

To amend Section 22-22A-7, Code of Alabama 1975, as amended, to provide for review of final actions of the Alabama Department of Environmental Management in the Montgomery County Circuit Court within 30 days and to provide that administrative action which could have been reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings.

To amend Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for deposit of fines and penalties into the general fund.

To amend Sections 9-7-22, 22-22-9, 22-28-27 and 22-23-52, Code of Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief.

To amend Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; and to authorize the Alabama Department of Environmental Management to make grants for the construction of public sewage treatment facilities.

To amend Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties.

To amend Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; and to make criminal a culpable omission in an application, label, manifest, record, report, permit or document.

Committee on State Administration.

By Reps. Coleman, Newman, Junkins, Burke, Davis, Escott, Gray, Smith, Poole, White (L), White (F), Blake, Richardson, Hooper, Warren, Mathis, Flowers, Butler, Rains, Marietta, Thomas, Faulk, Blakeney, Grouby and Black:

H. 30. To exempt all persons employed in public schools from liability for certain communications to the student's parents, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any student.

Committee on Education.

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 18. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Rules of the Legislature are hereby amended as follows.



Add a new Joint Rule to read as follows:

No resolution, as provided for in Section C of Section 1 of Act No. 81-889 may be introduced until the bill described in the resolution appears on the regular calendar of the house in which the resolution is offered.

Further provided that such resolution shall have been prepared by the Legislative Reference Service or the office of the Clerk of the House or the Secretary of the Senate.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Rep. Black:

H. J. R. 19. MOURNING THE DEATH OF MR. T. Y. ROGERS OF COATOPA, SUMTER COUNTY, ALABAMA

WHEREAS, the Legislature of Alabama grievously records the death of Mr. T. Y. Rogers of Coatopa, Alabama on November 14, 1984; and

WHEREAS, an outstanding citizen of Sumter County, Alabama, Mr. Rogers received his education in the public school system of Sumter County and Alabama State Teachers College (Alabama State University); and

WHEREAS, he began a career in teaching in Louisville, Mississippi. He returned to Sumter County and worked with many community and civic groups such as: 4-H Club, church groups and the Masonic Lodge. He was a deacon at Christian Valley Coatopa for 37 years and a 33rd degree mason; and

WHEREAS, Mr. Rogers is survived by his beloved wife Mrs. Hester Rogers, by two daughters and other family members, whose grief we truly share and to whom we extend our very deepest sympathy now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. T. Y. Rogers of Coatopa and direct that a copy of this resolution be forwarded to his family that they may know of our concern for them in their time of such deep sorrow.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Rep. Grouby:

H. J. R. 20. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Prattville Lions who roared to triumphant victory and the State 6A Football Championship for 1984, devouring the Huntsville J. O. Johnson Jaguars, 17-7 in the finals; and

WHEREAS, the Prattville Lions, backed by solid support of an entire community, truly made '84 the Year of the Lions by presenting their fans with the City's first state football championship, a gift to be treasured and shared for many years to come; and

WHEREAS, the roster of PHS Champions includes: Wayne Averhart, Chip Bridges, Eugene Brown, Nathan Bank, Lee Sanderford, Terry Carr, Hank McLelland, Chris Turner, Derek Lee, Kevin Turner, Brent Brinson, Mark Prater, Richard Brown, Steve Maxwell, Darren Nunn, Doug Cowling, Glenn Luker, Anthony Bishop, Chuck Tice, Jamie Dobbs, Eugene Thomas, Scott Donaldson, Lorenzo Pickett, Joel Nabors, Ulysses Jackson, Milton Broadnax, Sam Goodson, Louis Taylor, James Strickland, Cedric Moore, John Ford, Russell McAuley, Tad Glenn, Andrew Williams, Craig Greer, Bill Crowder, Wes Bonner, Maurice Davis, Robert Mosley, Shane Wells, Willie Pickett, Randy Rice, Gene Barber, Mike Kendrick, Charles Wood, Chris Cromwell, Mike Baker, Roger Vaughn, John McDaniel, Jimmy Smith, Fabian Mann, Jack McLeod, Donnie Smith, Steve Floyd, Len Borowski, Philip Tatum, John Daves, Steve Mannell, Jim Golson, Keith Mullins, Pratt Bedwell, Joe Flowers, Pat McCall, Jason Cannon, Kyle Glover, John Parker, Chas Cowart, Tim Knight, Eddie Brown, Jerome Barrington, Brett Crawford, Walter Wahala, Scott Tomlinson, Cliff Goff, Lee Oymond and Tracy Daniels; and

WHEREAS, a lion's share of the credit for Prattville's phenomenal season goes also, of course, to Head Coach John Glasscock and his able associates: Coaches Larry Butler, Tony Page, Rodney Miller, Ronald Harper and Glenn Register; and managers Tommy Gipson, Joey Meigs, Dusty Glasscock, Bryan Harper and Buddy Davis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we stand in tribute and salute to Alabama's 1984 6A Football Champions, the Prattville High School Lions.

BE IT FURTHER RESOLVED, That the Legislature's esteem be personally expressed through copies of this resolution provided for appropriate presentation and display at Prattville High School.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Reps. Moore and Smith:

H. J. R. 21. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM, 1984

WHEREAS, the Lady Falcons Volleyball Team of the University of Montevallo and under the direction of Coach Beverly Warren capped off its most productive season in the history of the institution by finishing seventh in the nation; and

WHEREAS, the Lady Falcons set a number of records this season including their top performance of 49 wins against only 14 losses; and

WHEREAS, the team was led by two second team NAIA Volleyball All-Americans, Theresa "Tee" Straughn, who was also district "Player of the Year," and Candi Nicholas; and

WHEREAS, in addition to Straughn and Nicholas, the Lady Falcons placed seniors Amy Dishroon and Karen Kreger on the All-District Team; and

WHEREAS, Coach Beverly Warren, for the third consecutive year, was selected as the District 27 Coach of the Year; and

WHEREAS, the Lady Falcons team roster includes Amy Dishroon, Kristy Golden, Donna Jenkins, Karen Kreger, Candi Nicholas, Janeice Scoggins, Theresa Straughn, Laurie Washburn and Blanche Watkins, and assisting Coach Warren are Janet Ingram, assistant coach; Sally Hicks, trainer; Lee Curd, student trainer; Becky King, manager; and Jane Schmitt, statistician; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend congratulations to Coach Beverly Warren and the members of the Lady Falcons Volleyball Team on their outstanding season, and further express unanimous appreciation for the honor the team has brought to their university and the entire State of Alabama.

BE IT FURTHER RESOLVED, That in small token of the Legislature's sincere regard, copies of this resolution shall be forwarded to the University of Montevallo for appropriate presentation and display.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Reps. Martin, Drake, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 22. MOURNING THE DEATH OF MARVIN GUY CARTER OF ATHENS, ALABAMA.

WHEREAS, in deep, personal sorrow, the Legislature of Alabama records the death of Marvin Guy Carter of Athens, Alabama, on December 14, 1984, at the age of 75 years; and

WHEREAS, Mr. Carter, a longtime member of Round Island Baptist Church, was a retired Limestone County farmer and was a member of an eminently prominent family of the community; and

WHEREAS, Marvin Guy Carter, who is survived by his beloved wife of many years, Mrs. Bertha Mae Carter, also leaves a son, State Representative Tommy Carter of Elkmont, two grandchildren, three brothers and one sister; and

WHEREAS, the death of Marvin Guy Carter has indeed left a deep void in the hearts of his family, his many friends and all those whose lives he touched through kindness and in service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Marvin Guy Carter of Athens, Alabama, and direct that copies of this

resolution be provided for his wife, Mrs. Bertha Mae Carter, his son and our close friend, Tommy Carter, and other family members whose inconsolable loss also is ours.

On motion of Rep. Martin, the rules were suspended and the resolution, H. J. R. 22, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

**By Rep. Flowers:**

**H. R. 23. CONGRATULATING MR. AND MRS. ATLAS BARR ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY**

Also:

The following resolution was introduced:

**By Rep. Flowers:**

**H. J. R. 24. HONORING DR. GEORGE H. SMITH FOR 40 YEARS OF DEDICATED SERVICE AS PASTOR OF THE SHILOH MISSIONARY BAPTIST CHURCH, TROY, ALABAMA, PIKE COUNTY.**

WHEREAS, Dr. George H. Smith was born in Lapine, Alabama, Crenshaw County, to the late Reverend and Mrs. Henry Smith; and

WHEREAS, Dr. Smith began his ministry at an early age, he was called to pastor at Shiloh Missionary Baptist Church in October, 1944. He preached his first sermon the second night of October, 1944; and

WHEREAS, being the founder of this great church, he had great potential for a band of baptized believers in Christ; and

WHEREAS, under his administration much progress has been made: buildings have been built, ministers and deacons have been ordained and souls have been saved; and

WHEREAS, for forty years, he has been pastor, preacher, and friend to The Shiloh Missionary Baptist Church and Pike County; and

WHEREAS, Dr. Smith is married to the former Annie Helen Mitchell. They are the parents of two daughters; Mrs. Betty J. Mays and Mrs. Georgia Arrington. They are the proud grandparents of five: Caryn, LaMont, Milette, Antionette and Lawrence, now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we express the utmost praise of Dr. George H. Smith for his dedication and diligence to the Shiloh Missionary Baptist Church and direct that he and his family receive a copy of this resolution, tendered in sincere admiration and highest regard.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 24, was adopted.

#### ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 10:00 o'clock a.m., Wednesday, December 19, 1984.

SECOND EXTRAORDINARY SESSION  
3rd Day

33

THIRD DAY

House of Representatives  
Montgomery, Alabama  
Wednesday, December 19, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Harrell Blakeney, Thom-  
asville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to  
their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake,  
Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant,  
Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers,  
Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis,  
Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson,  
Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper,  
Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird,  
Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin,  
Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk,  
Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson,  
Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas,  
Trammell, Turner, Turnham, Venable, Warren, White (F), White (G),  
White (L) and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has  
carefully examined the Journal of the House for the second legislative day  
and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark J., the reading at length of the Journal of the  
House for the second legislative day was dispensed with and the report of  
the Standing Committee on Rules was concurred in and adopted, and the  
Journal for the second legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Martin, leave of absence was granted for Rep.  
Parker.

## RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 25. MOURNING THE DEATH OF WILLIAM NEITZ HALLER OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 26. MOURNING THE DEATH OF E. L. HAYES OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 27. MOURNING THE DEATH OF MRS. LILLIE AGNES MORRIS LOWERY OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 28. MOURNING THE DEATH OF JAMES PAUL ROBERSON OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 29. COMMENDING JOEY SIMS OF ETOWAH COUNTY FOR OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENT.

## BILLS ON SECOND READING

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 29. To amend Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers and to require that such penalties be deposited to the credit of the general fund; to authorize the Alabama Department of Environmental Management, Attorney General and District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to authorize the Alabama Department of Environmental Management to employ attorneys and special counsel to represent it; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses and variances.

To amend Section 22-22A-7, Code of Alabama 1975, as amended, to provide for review of final actions of the Alabama Department of Environmental Management in the Montgomery County Circuit Court within 30 days and to provide that administrative action which could have been

reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings.

To amend Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for deposit for fines and penalties into the general fund.

To amend Sections 9-7-22, 22-22-9, 22-28-27 and 22-23-52, Code of Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief.

To amend Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; and to authorize the Alabama Department of Environmental Management to make grants for the construction of public sewage treatment facilities.

To amend Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties.

To amend Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; and to make criminal a culpable omission in an application, label, manifest, record, report, permit or document.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION.

Also:

H. J. R. 3. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

Also:

H. J. R. 4. NAMING THE HIGHWAY 157 BY-PASS, FROM U. S. 31 TO U. S. 278 IN CULLMAN COUNTY, ALABAMA, THE "FINIS ST. JOHN, III, DRIVE."

Also:

H. J. R. 6. COMMENDING THE MEDICAL CENTER OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM, ITS ADMINISTRATORS, TRANSPLANT SURGEONS, ALABAMA REGIONAL ORGAN BANK, HISTOCOMPATIBILITY LABORATORY, AND ALL OF THE

OTHER INVOLVED FACULTY AND STAFF FOR THEIR CONTRIBUTIONS IN ESTABLISHING THE ALABAMA TRANSPLANT CENTER.

Also:

H. J. R. 9. COMMENDING MR. BLEWETTE TANNER OF MOBILE COUNTY, ALABAMA.

Also:

H. J. R. 14. COMMENDING RONALD DAVID REAMS, PROMINENT MOBILE JOURNALIST.

Also:

H. J. R. 15. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

Also:

H. J. R. 16. RELATIVE TO MEETING DATES.

Also:

H. J. R. 17. COMMENDING THE TROY STATE UNIVERSITY TROJANS, 1984 NCAA DIVISION II NATIONAL CHAMPIONS.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Little and Foshee:

S. J. R. 3. COMMENDING LONGTIME LITTLE LEAGUE COACH CHICK EARLE OF ANDALUSIA, ALABAMA.

Also:

By Senator Bennett:

S. J. R. 8. COMMENDING HOMEWOOD HIGH SCHOOL AND HOMEWOOD MIDDLE SCHOOL FOR BEING SELECTED AS AMONG THE NATION'S BEST IN 1983-84.



Also:

By Senator Goodwin:

S. J. R. 9. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Coleman, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 8 and S. J. R. 9, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Strong:

S. J. R. 4. EXPRESSING APPRECIATION TO CAPITOL HOSTESS, MRS. MARIE WALKER, AND OTHER CAPITOL EMPLOYEES.

WHEREAS, on December 17, 1984, the annual Capitol Christmas Party was held in the Rotunda in keeping with a tradition of longstanding for many, many years; and

WHEREAS, this cherished and traditional celebration was initiated by Mrs. Marie Walker, our official Capitol Hostess, and has since been personally coordinated and directed by Mrs. Walker; and

WHEREAS, the Capitol Christmas Party is an event eagerly anticipated by Capitol employees who work together, under Mrs. Walker and her committee, to provide delicious refreshments and to decorate the Rotunda for a festive welcome to the Yuletide Season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most particularly commend Mrs. Marie Walker, as well as the many individual Capitol employees who annually entertain and serve as hosts for Christmas in the Capitol.

BE IT FURTHER RESOLVED, That Mrs. Walker receive a copy of this resolution in sincere personal praise for her dedicated efforts each Christmas in organizing and directing this annual event.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 4, set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried, Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Strong:

S. J. R. 10. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

WHEREAS, in consensus of deep sorrow and regret, the Legislature of Alabama records the untimely death of Finis Ewing St. John, III, on October 25, 1984, at the age of just 51 years; and

WHEREAS, our valued friend and former colleague, Finis St. John was a native and lifelong resident of Cullman, Alabama; he was educated at the University of Alabama, earning the B.S.L., LL.B and J.D. degrees, and at the time of his death, was engaged in the private practice of law; and

WHEREAS, he also had served as a director of Leeth National Bank and First Federal Savings and Loan Association of Cullman; he was a communicant of Grace Episcopal Church, past president of the Alabama Young Lawyers Association and was affiliated as well with numerous other professional, civic and community organizations; and

WHEREAS, further, Finis St. John, III, a distinguished public servant, was the fourth consecutive member of his family to serve in the Alabama Legislature; his tenure included one term in the Alabama House of Representatives and two four-year terms as senator, serving as President Pro Tem during his second senatorial term; and

WHEREAS, in the death of Finis St. John, III, the State of Alabama has lost a learned statesman, an astute jurist, and a truly honorable man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we grievously mourn, we give thanks for the life, the labors and the friendship of Finis St. John, III, of Cullman, Alabama.

BE IT FURTHER RESOLVED, That in expression of love and concern, copies of this resolution shall be forwarded to Senator St. John's wife, Juliet, and to his beloved sons, Bill and Fess, whose sorrow we share, and whose loss also is ours.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

And the bill:

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Burke, Butler, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Poole, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Warren, White (L) and Zoghby.

—60

And the bill:

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Hammett, Harper, Hettinger, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Poole, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Turner, Warren, White (G), White (L) and Zoghby.

—58

Nay: Rep. Buskey (John).

—1

RESOLUTION

The following resolution was introduced:

By Reps. Biddle and Johnson (Roy):

H. J. R. 30. EXPRESSING LEGISLATIVE INTENT REGARDING THE LAW EXEMPTING CERTAIN DRUGS FROM TAXATION.

WHEREAS, on May 17, 1981, Act 81-663 (H.B. 43), was enacted in the Regular Session of the Legislature; and

WHEREAS, such Act, which became effective on July 1, 1981, is now codified in Section 40-23-4.1, Code of Alabama 1975; and

WHEREAS, such Act provides that certain drugs are exempt from State of Alabama Gross Sales Taxes as defined in Section 40-23-4.1, Code of Alabama 1975; and

WHEREAS, the term "drugs" includes any medicine prescribed by a physician when the prescription is filled by a licensed pharmacist, or sold to the patient by the physician, for human consumption or intake; and

WHEREAS, it was the intent of the Legislature to exempt the sale or dispensing of such drugs from State Gross Sales Taxes, as defined in Section 40-23-2, and from State of Alabama Use Taxes under Section 40-23-60, et seq., so long as such drugs are prescribed by physicians when the prescription is filled by a licensed pharmacist or sold or otherwise dispensed to the patient by the physician, for human consumption or intake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was, and still remains, the intention of both the House of Representatives of the State of Alabama and the Alabama State Senate that the term "drugs," as defined in Act 81-663, which is now codified in Section 40-23-4.1, Code of Alabama 1975, shall include any medicine prescribed by physicians when the prescription is filled by a licensed pharmacist, or sold or otherwise dispensed to the patient by the physician, for human consumption or intake.

BE IT FURTHER RESOLVED, That it was, and still remains, the intention of both the House of Representatives of the State of Alabama and the Alabama State Senate that such sale or dispensing of said drugs shall be exempt from the State of Alabama Gross Sales Taxes and State of Alabama Use Taxes.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 30, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 2. MOURNING THE DEATH OF CAROLINE SEALE CAVANAUGH.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-78 of the Code of Alabama 1975, to provide that, effective July 1, 1985, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$190 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to provide for the establishment of safety committees by certain employers and

certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 1:

#### A BILL TO BE ENTITLED AN ACT

To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, and to any officer, director, agent, servant or employee of the same employer or his personal representative; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to

300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the maximum weekly benefit shall be 100 percent, rather than 66-⅓ percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$200 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; to provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5 Code of Alabama 1975; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975:

Be It Enacted by the Legislature of Alabama:

Section 1. The legislature finds that actions filed on behalf of injured employees against officers, directors, agents, servants or employees of the same employer seeking to recover damages in excess of amounts received or receivable from the employer under the workers' compensation statutes of this state and predicated upon claimed negligent or wanton conduct resulting in injuries arising out of and in the course of employment are contrary to the intent of the legislature in adopting a comprehensive workers' compensation scheme and are producing a debilitating and adverse effect upon efforts to retain existing, and to attract new, industry to this state. Specifically, the existence of such causes of action places this state at a serious disadvantage in comparison to the existing laws of other states with whom this state competes in seeking to attract and retain industrial operations which would provide better job opportunities and increased employment for people in this state. The existence of such causes of action, and the consequent litigation resulting therefrom, results in substantial costs and expenses to employers which, as a practical matter, must either procure additional liability insurance coverage for supervisory and management employees or fund the costs of defense, judgment or settlement from their own resources in order to retain competent and reliable personnel. The existence of such causes of action has a disruptive effect upon the relationship among employees and supervisory and management personnel. There is a total absence of any reliable evidence that the availability of such causes of action has resulted in any reduction of the number or severity of on-the-job accidents or of any substantial improvement on providing safe working conditions and work practices. The intent of the legislature is to provide complete immunity to employers and limited immunity to officers, directors, agents, servants or employees of the same employer and to the workers' compensation insurance carrier and compensation service companies of the employer or any officer, director, agent, servant or employee of such carrier or company and to labor unions and to any official or representative thereof, from civil liability for all causes of action except those based on willful conduct and such immunity is an essential aspect of the workers' compensation scheme. The legislature hereby expressly reaffirms its intent, as set forth in Section 25-5-53, as amended herein, and Sections 25-5-144 and 25-5-194 of the Code of Alabama 1975, regarding the exclusivity of the rights and remedies of an injured employee, except as provided for herein.

Section 2. Section 25-5-1 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-1.

“Throughout this chapter, the following words and phrases as used therein shall be considered to have the following meanings, respectively, unless the context shall clearly indicate a different meaning in the connection used:

“(1) **COMPENSATION.** Such term indicates the money benefits to be paid on account of injury or death. Strictly speaking, the benefit which an employee may receive by action at law under article 2 of this chapter is damages, and this is indicated in section 25-5-31. To avoid confusion, the word ‘compensation’ has been used in this chapter, but it should be understood that under article 2 the compensation by way of damages is determined by a civil action. Such term does not include medical and surgical (treatment and attention, medicine, medical and surgical) supplies, crutches and apparatus furnished an employee on account of an injury.

“(2) **CHILD or CHILDREN.** Such terms include posthumous children and all other children entitled by law to inherit as children of the deceased; stepchildren who were members of the family of the deceased, at the time of the accident, and dependent upon him for support; a grandchild of the deceased employee, whose father is dead or is an invalid, and who was supported by and a member of the family of such deceased grandparent at the time of the accident.

“(3) **DEPENDENT CHILD or ORPHAN.** An unmarried child under the age of 18 years or one over that age who is physically or mentally incapacitated from earning.

“(4) **EMPLOYER.** Every person not excluded by section 25-5-50 who employs another to perform a service for hire and pays wages directly to such person. Such term shall include any person, corporation, copartnership or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer being entitled to the employer’s rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business; provided, however, that the inclusion of an employer’s insurer within such term shall not provide such insurer with immunity from liability to an injured employee, or his dependents in the case of his death to whom the insurer would otherwise be subject to liability under the provision of Section 25-5-11. Notwithstanding any section of articles 2 and 3 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the ‘employer’ of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

“(5) **PHYSICIAN.** Such term shall include ‘surgeon,’ and, in either case, shall mean one authorized by law to practice his profession within one of the United States and in good standing in his profession at the time.

“(6) **EMPLOYEE and WORKMAN.** Such terms are used interchangeably and have the same meaning throughout this chapter, and shall be construed to mean the same. Such terms include the plural and all ages and both sexes. Such terms include every person not excluded by section 25-5-50, in the service of another under any contract of hire, express or implied,



oral or written, including aliens and also including minors who are legally permitted to work under the laws of this state and also including all employees of Tannehill furnace and foundry commission. Any reference in this chapter to a 'workman' or 'employee' shall, where the workman or employee is dead, include his dependents, as defined in this chapter, if the context so requires.

"(7) WAGES or WEEKLY WAGES. Such terms shall in all cases, unless the context clearly indicates a different meaning, be construed to mean 'average weekly earnings.' Every person, not excluded by section 26-5-50, in the service of another under any contract of hire, express or implied, oral or written, includes aliens and also includes minors who are legally permitted to work under the laws of the state.

"(8) ACCIDENT. Such term, as used in the phrases 'personal injuries due to accident' or 'injuries or death caused by accident' shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, and producing at the time injury to the physical structure of the body or damage to an artificial member of the body by accidental means.

"(9) INJURIES BY AN ACCIDENT ARISING OUT OF AN IN THE COURSE OF HIS EMPLOYMENT. Without otherwise affecting either the meaning or interpretation of such clause, such clause does not cover workmen except while engaged in or about the premises where their services are being performed or where their service requires their presence as a part of such service at the time of the accident and during the hours of service as such workmen, and shall not include any injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him and not directed against him as an employee or because of his employment, and it shall not include a disease unless the disease results proximately from the accident.

"(10) SINGULAR AND PLURAL. Wherever the singular is used, the plural shall be included.

"(11) GENDER. Where the masculine gender is used, the feminine and neuter shall be included.

"(12) LOSS OF HAND OR FOOT. Amputations between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

"(13) THE COURT. Such term shall mean the circuit court which would have jurisdiction in an ordinary civil action involving a claim for the injuries or death in question, and 'the judge' shall mean a judge of said court."

Section 3. Section 25-5-11 of the Code of Alabama 1975, is hereby amended to read as follows:

"§25-5-11.

"(a) Where the injury or death for which compensation is payable under this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer, whether or not such party is subject to the provisions of this chapter, the employee, or his dependents in case of his death, may proceed against the employer to recover compensation under this chapter or may agree with the employer

upon the compensation payable under this chapter, and, at the same time, may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to this chapter; provided, however, if such party other than the employer is a workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or is a labor union, or any official or representative thereof, or is an officer, director, agent, servant or employee of the same employer, or his personal representative, the injured employee, or his dependents in the case of his death, may bring such an action against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer or such labor union or such person, or his personal representative, only for willful conduct which results in or proximately causes the injury or death. ~~that neither an officer, director, agent, servant or employee of the same employer nor his personal representative nor any workmen's compensation insurance carrier of the employer nor any officer, director, agent, servant or employee of such carrier nor any labor union or any official or representative thereof making a safety inspection for the benefit of the employer or its employees shall be considered a party other than the employer against whom such an action may be brought.~~ If the injured employee, or in case of his death his dependents, recover damages against such other party, the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under this chapter, there shall be no further liability on the employer to pay compensation on account of such injury or death. ~~and To the extent of any such recovery of damages against such other, the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death.~~ If the employee who recovers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be entitled to reimbursement for the amount of such compensation theretofore paid, and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recovery (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled.

“(b) If personal injury or death to any employee results from the willful conduct, as defined in subsection (c) herein, of any officer, director, agent, servant or employee of the same employer or any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation, or of a labor union, or an official or representative thereof, the employee shall have a cause of action against such person, workers' compensation carrier or labor union.

“(c) As used herein, 'willful conduct' means:

(1) a purpose or intent or design to injure another; and where a person, with knowledge of the danger or peril to another consciously pursues a course

of conduct with a design, intent and purpose of inflicting injury, then he is guilty of 'willful conduct.'

(2) the willful and intentional removal from a machine of a safety guard or safety device provided by the manufacturer of the machine with knowledge that injury or death would likely or probably result from such removal; provided, however, removal of such a guard or device shall not be willful conduct unless such removal was done for the purpose of increasing the productivity of the machine, did, in fact, increase the danger of use of the machine and was not done for the purpose of repair of the machine or was not part of an improvement or modification of the machine which rendered the safety device unnecessary or ineffective; or

(3) operation of a motor vehicle while intoxicated.

~~“(b) (d)~~ (d) In the event the injured employee or, in case of his death, his dependents do not file a civil action against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring a civil action against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee or his dependents, or in the event a proceeding is pending against the employer to require the payment of such compensation, such civil action may be maintained either in the name of the injured employee or, in case of his death, in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such civil action are in excess of the compensation payable by the employer under this chapter and costs, attorney's fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee or, in case of his death, for his dependents. In the event such injured employee has no dependents, his personal representative in the event of his death may bring a civil action against such other party to recover damages without regard to this chapter.

“(e) (e) In any settlement made under this section with a negligent third party by the employee or, in case of his death, by his dependents, the employer shall be liable for that part of the attorney's fees incurred in the settlement with the third party, either with or without a civil action, in the same proportion that the amount of the reduction in the employer's liability to pay compensation bears to the total recovery had from such third party.”

“(f) For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company.

Section 4. Section 25-5-53 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-53.

“The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death. Except as provided in this article and article 2, as the case may be, of this chapter, no employer included within the terms of this chapter ~~and no officer, director, agent, servant or employee of such employer~~ shall be held civilly liable for any

personal injury to or death of any workman who is an employee of the same employer and whose injury or death is due to an accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. In addition, immunity from civil liability for all such causes of action except those based upon willful conduct shall also extend to any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund or corporation responsible for servicing and payment of workers' compensation claims for the employer or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation and to any labor union, or any official or representative thereof, and to any officer, director, agent, servant or employee of the same employer, or his personal representative. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant or employee of such carrier, and such immunity shall further extend to any labor union, or any official representative thereof, making a safety inspection for the benefit of the employer or its employees."

"For the purpose of this section, any carrier, person, firm, association, trust, fund or corporation shall include any company making a safety inspection on behalf of any self-insured employer or its employees and any officer, director, agent, servant or employee of such company."

Section 5. §25-5-57 of the Code of Alabama 1975 is hereby amended to read as follows:

"§25-5-57.

(a) Compensation schedule. Following is a schedule of compensation:

(1) TEMPORARY TOTAL DISABILITY. For injury producing temporary total disability, the compensation shall be 66⅔ percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in section 25-5-68, but if at the time of injury the employee received average weekly earnings of less than the minimum stated in section 25-5-68, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, but not, however, beyond 300 weeks but at such time as a temporary total disability shall become permanent, compensation for the continued total disability shall be governed by the provisions of (a)(4) of this section with respect to Permanent Total Disability. Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(2) TEMPORARY PARTIAL DISABILITY.

a. Amount and Duration of Compensation. In all cases of temporary partial disability, the compensation shall be 66⅔ percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, but not, however, beyond 300 weeks. Payments shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in section 25-5-68.

b. Effect of Change in Employment. If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee an additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee upon such demand fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(3) PERMANENT PARTIAL DISABILITY.

a. Amount and Duration of Compensation. For permanent partial disability, the compensation shall be based upon the extent of such disability. In cases included in the following schedule, the compensation shall be 66⅔ percent of the average weekly earnings, during the number of weeks set out in the following schedule.

1. For the loss of a thumb, 62 weeks.
2. For the loss of a first finger, commonly called the index finger, 43 weeks.
3. For the loss of a second finger, 31 weeks.
4. For the loss of a third finger, 22 weeks.
5. For the loss of a fourth finger, commonly called the little finger, 16 weeks.
6. The loss of the first phalange of the thumb or of any finger shall be considered as equal to the loss of one half of such thumb or finger, and compensation shall be paid at the prescribed rate during one half of the time specified above for such thumb or finger.
7. The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.
8. For the loss of a great toe, 32 weeks.
9. For the loss of any of the toes other than the great toe, 11 weeks.
10. The loss of the first phalange of any toe shall be considered to be equal to the loss of one half of such toe, and compensation shall be paid at the prescribed rate during one half the time prescribed above for such toe.
11. The loss of two or more phalanges shall be considered as the loss of an entire toe.
12. For the loss of a hand, 170 weeks.
13. For the loss of an arm, 222 weeks.
14. For the loss of a foot, 139 weeks.

15. Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

16. For the loss of a leg, 200 weeks.

17. For the loss of an eye, 124 weeks.

18. For the complete and permanent loss of hearing in both ears, 163 weeks.

19. For the complete and permanent loss of hearing in one ear, 53 weeks.

For the loss of an eye and a leg, 350 weeks.

21. For the loss of an eye and one arm, 350 weeks.

22. For the loss of an eye and a hand, 325 weeks.

23. For the loss of an eye and a foot, 300 weeks.

24. For the loss of two arms, other than at the shoulder, 400 weeks.

25. For the loss of two hands, 400 weeks.

26. For the loss of two legs, 400 weeks.

27. For the loss of two feet, 400 weeks.

28. For the loss of one arm and the other hand, 400 weeks.

29. For the loss of one hand and one foot, 400 weeks.

30. For the loss of one leg and the other foot, 400 weeks.

31. For the loss of one hand and one leg, 400 weeks.

32. For the loss of one arm and one foot, 400 weeks.

33. For the loss of one arm and one leg, 400 weeks.

34. For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, 66⅔ percent of the average weekly earnings for such period as the court may determine, but not exceeding 100 weeks.

b. Successive or Concurrent Temporary Total and Permanent Partial Disabilities Resulting from Same Injury. When a permanent partial disability, the number of weeks compensation for which is scheduled in subdivision (a)(3) of this section, follows or accompanies a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

c. Concurrent Disabilities. Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this paragraph shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

d. Loss of Use of Member. In all cases, the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member, but in such cases the compensation in and by said schedule shall be in lieu of all other compensation, except as otherwise provided herein. In case of permanent disability due to injury to a member resulting in less than total loss of use of such member not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member which the extent of the injury to the member bears to its total loss.

e. Effect of Refusal of Suitable Employment. If an injured employee refuses employment suitable to his capacity offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal, unless at any time, in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

f. Maximum and Minimum Compensation Awards. All compensation provided in this subsection (a) for loss of members or loss of use of members is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 25-5-68.

g. Compensation for Permanent Partial Disabilities Not Enumerated. In all other cases of permanent partial disability not above enumerated, the compensation shall be 66⅔ percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition, subject to the same maximum weekly compensation as stated in section 25-5-68. When a permanent partial disability, compensation for which is not calculated by use of the schedule in subdivision (a)(3) of this section, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, but not, however, beyond 300 weeks.

h. Affidavit of New Employment. In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subdivision (a)(2) of this section.

#### (4) PERMANENT TOTAL DISABILITY.

a. Amount, Duration and Payment of Compensation. For permanent total disability, as defined in paragraph d of this subdivision, 66⅔ percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly compensation as stated in section 25-5-68; provided, that if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 25-5-68, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in said paragraph d of this subdivision. Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree. Such payments, with the approval of the circuit judge or by agreement of the parties, may be made monthly, quarterly or otherwise as the parties may agree. Payments for permanent total disability shall not be ordered to be paid in a lump sum without the consent of both the employer and the employee.

b. Alteration, Amendment or Revision of Compensation. At any time, the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and, if the court is so satisfied after a hearing, it shall alter, amend or revise the award accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee and if the employer terminates the payment of such benefits, the employee may, within one year of the last payment, petition the court to reinstate such benefits and, upon a showing that such permanent total disability still exists, shall be entitled to have such benefits reinstated effective the date of the last payment.

c. Employees in Public Institutions. In case an employee, who is permanently and totally disabled, becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 25-5-61 and 25-5-62, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subdivision shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution; provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 25-5-61 and 25-5-62 from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institution. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay for the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payments shall be directly paid to said guardian.

d. Definition. The total and permanent loss of the sight of both eyes or the loss of both arms at the shoulder or any physical injury or mental impairment resulting from an accident, which injury or impairment permanently and totally incapacitates the employee from working at and being retrained for gainful employment, shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided, that any employee whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

e. Second Permanent Injuries Generally. If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident, such as is specified in the provisions of this section defining permanent injury, he shall be entitled



to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

f. Second Permanent Injury Resulting in Permanent Total Disability Where First Injury Not in Same Employment. If an employee receives a permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed, and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee, and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

g. Second Permanent Injury in Same Employment Resulting in Permanent Total Disability. If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

h. Concurrent Compensation Payments. If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury is a permanent injury, such as specified in this section, but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under this article and article 2 of this chapter.

If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of paragraph e of this subdivision, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding 700 weeks.

i. Effect of Rehabilitation or Recovery on Permanent Total Disability Benefits. In the event an employee who is receiving benefits for permanent total disability shall, as a result of physical or vocational rehabilitation or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, that at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to 66⅔ percent of the difference, subject to each of the following limitations:

1. The employer's liability for the payment of 66⅔ percent of such difference shall continue for 200 weeks from the date of reemployment or 300 weeks from the date of injury, whichever is the longer period;

2. In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and

3. No payments shall be due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

j. Affidavit of Gainful Employment. In the event an employee who is receiving benefits for permanent total disability shall, as the result of physical or vocational rehabilitation or otherwise, obtain gainful employment with an employer other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment and the amount of wages being received at such new employment; and, until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment and the amount of wages he is receiving; and, if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished.

(5) DEATH FOLLOWING DISABILITY. In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and, during the period of disability caused thereby, death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workman who has sustained a permanent partial or permanent total disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately therefrom, the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, whether or not the decedent employee was receiving compensation for permanent total disability, not exceeding, however, the amount that would have been due the surviving spouse and/or dependent children if death had resulted proximately from the injury. Except as provided in this subdivision, no benefits shall be payable on account of death resulting, proximately or not proximately, from an injury on account of which compensation is being paid to an employee.

(6) HERNIA.

a. Proof. In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

1. That there was an injury resulting in hernia,
2. That the hernia appeared suddenly,
3. That it was accompanied by pain,
4. That the hernia immediately followed an accident, and

5. That the hernia did not exist prior to the accident for which compensation is claimed.

b. Treatment. All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment, shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(b) Computation of compensation; determination of average weekly earnings. Compensation under this section shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of 52 weeks immediately preceding the date of the injury divided by 52, but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of such 52 weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than 52 weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer or the casual nature or terms of the employment it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the 52 weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. Whatever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract shall be deemed a part of his earnings.

Section 6. Section 25-5-68 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-68.

“(a) With respect to injury or death resulting from an accident occurring after November 13, 1975, and before February 1, 1976 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, 25 percent of the average weekly wage of the state ~~for calendar year 1974~~, as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than 66⅔ percent of such average weekly wage of the state.

“(b) With respect to injury or death resulting from an accident occurring on or after February 1, 1976 1985, the compensation paid under this article shall be not less than, except as otherwise provided in this article, 25 percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subsection (c) of this section and, in any event, no more than ~~66⅔~~ 100 percent of such average weekly wage; except that the maximum compensation payable for

permanent partial disability shall be no more than the lesser of \$200 per week or 100 percent of such average weekly wage.

“(c) For the purpose of this section, the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52, and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12-month period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following 30 days after such determination is made.

“(d) The maximum and minimum weekly benefit shall not be changed on any July 1 or as a result of any annual determination, unless the computation provided for in subsection (c) of this section results in an increase or decrease of \$2.00 or more in the amount of either the maximum or minimum benefit.

“(e) In no event, except as provided for permanent total disability in subdivision (a) (4) of section 25-5-57 or except for compensation benefits payable for permanent partial and temporary total disability in connection with a disability scheduled in subdivisions (1) and (3) of subsection (a) of section 25-5-57, shall the total amount of compensation payable for any accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

“(f) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.”

Section 7. Section 25-5-77 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-77.

“(a) In addition to the compensation provided in this article, the employer shall pay the actual cost of the repair, refitting or replacement of artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, original artificial members and other apparatus as may be obtained by the injured employee or, in case of death, obtained during the period occurring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physician selected by the employer and if further treatment is required, the employee may so advise the employer, and in such event the employee shall be entitled to select a second physician from a panel or list of four physicians selected by the employer. ~~referred to a second physician selected by the employer. If the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer, and, in such event, the employee shall be referred to a third physician selected by the employer.~~ In the event surgery is required, if the

employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be entitled to select a second surgeon from a panel or list of four surgeons selected by the employer. If four physicians or surgeons are not available to be listed, the employer shall include on the list as many as are available. The four physicians or surgeons selected by the employer hereunder shall not be from or members of the same firm, partnership or professional corporation, referred to a second surgeon selected by the employer. If the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer, and, in such event, the employee shall be referred to a third surgeon selected by the employer. The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation.

“(b) The injured employee must submit himself to examination by the employer’s physician at all reasonable times, if requested to do so by the employer, but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and to report his findings to the court, the expense of which examination shall be borne equally by the parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter, his right to compensation shall be suspended and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer and without consent of or notice to the employee or employer not making such request, furnish such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be born by the party demanding the same. The term ‘physicians’ shall include medical doctor, surgeon and chiropractor. Any hospital, medical clinic, rehabilitation service or other person or entity providing treatment to an employee or providing facilities at which the employee receives treatment shall, upon the written request of the employee or of the employer, furnish the employee or the employer a copy of the records, including X-rays and

laboratory reports, relating to such treatment. Such copy may be furnished without the consent of or notice to the employee or employer not making such request. Any physician, hospital, medical clinic, rehabilitation service or other person or entity providing any written statement of professional opinion or copies of records pursuant to this subsection shall not be liable to any person for any claim arising out of the release of medical information concerning the employee.

“(c) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee who is unable in the opinion of the treating physician to return to his former employment shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

“(d) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal.”

Section 8. Section 25-5-80 of the Code of Alabama 1975, is hereby amended to read as follows:

“§25-5-80.

“In case of a personal injury, all claims for compensation under this article and article 2 of this chapter shall be forever barred unless within ~~one~~ two years after the accident the parties shall have agreed upon the compensation payable under this article and article 2 of this chapter or unless within ~~one~~ two years after the accident one of the parties shall have filed a verified complaint as provided in section 25-5-88. In case of death, all claims for compensation shall be forever barred unless within ~~one~~ two years after death, when the death results proximately from the accident within three years, the parties shall have agreed upon the compensation under this article and article 2 of this chapter, or unless within ~~one~~ two years after such death one of the parties shall have filed a verified complaint as provided in section 25-5-88. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of ~~one~~ two years from the time of making the last payment. In case of physical or mental incapacity, other than the minority of the injured person or his dependents, to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended to become effective ~~one~~ two years from the date when such incapacity ceases.

Section 9. Upon the written request of any employee, each employer subject to the workmen's compensation law shall appoint a safety committee. The safety committee shall consist of not less than three committee members, one of whom must be a non-supervisory employee. The safety committee

shall advise the employer regarding safety in the work place, including suggestions from employees regarding safety conditions in the work place. Any employee shall have the right to notify the safety committee of a safety condition in the work place. The safety committee shall develop procedures by which an employee may give such notification. The provisions of this Section shall not apply to any employer who now or in the future has an established safety committee pursuant to contract or agreement with its employees or their representative.

Section 10. No employee shall be terminated by an employer solely because the employee has instituted or maintained any action against the employer to recover worker's compensation benefits under this chapter.

Section 11. The provisions of this act shall be applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975, with respect to compensation for occupational diseases generally, occupational pneumoconiosis generally, pneumoconiosis of coal miners and occupational exposure to radiation.

Section 12. The provisions of this act are expressly declared not to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, then this entire act shall be invalid and held for naught.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided it shall have no effect whatsoever with respect to the right of any injured employee to bring an action with respect to or upon any cause of action which arose or accrued prior to February 1, 1985.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 4.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Boles, Box, Britnell, Brooks, Browder, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, McKee, McMillan, McNair, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Preuit, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

Nays: Reps. Buskey (John), Dutton, Junkins and Trammell.

—4

#### AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 1 as amended:

Amend House Bill 1, page 33, following line 5 by adding the following language:

The people of the State of Alabama be allowed to vote on the implementation of this bill at the next regular or special call to election.

## AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Turner to the bill, H. 1 as amended, was tabled.

Yeas 58; Nays 30.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Box, Browder, Bugg, Butler, Campbell, Carothers, Carter, Clark (J), Cosby, Davis, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Payne, Penry, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turnham, Venable, Warren, White (F), White (G) and White (L).

—58

*Nays:*

Reps. Albright, Boles, Bowling, Brakefield, Britnell, Brooks, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Harper, Holmes, Junkins, Kennedy, McDowell, McNair, Marietta, Moore, Nicholson, Onderdonk, Pratt, Trammell and Turner.

—30

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 18. AMENDING THE JOINT RULES.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 18. Amending the Joint Rules of the Legislature.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 5. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

McDOWELL LEE,  
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Turnham and Blakeney:

H. R. 31. CONGRATULATING MR. AND MRS. FORREST LEE MATHEWS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

By Reps. Turnham and Blakeney:

H. R. 32. CONGRATULATING MR. AND MRS. SAM JACKSON CHAPMAN ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 5. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 1 RESUMED  
AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment to the bill, H. 1 as amended:

Amend House Bill 1, Section 12, Page 32, Line 30, after the word(s) "Section 12." by (striking) the following:

The provisions of this act are expressly declared not to be severable. If any provision of this act shall be adjudged to be invalid by any court of

competent jurisdiction, then this entire act shall be invalid and held for naught.

And substituting in lieu thereof the following:

The provisions of this act are expressly declared to be severable. If any provision of this act shall be adjudged to be invalid by any court of competent jurisdiction, those portions not so held to be invalid shall remain in full force and effect.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Buskey (James) to temporarily postpone further consideration of the bill, H. 1 as amended and the pending amendment, was tabled.

Yeas 58; Nays 21.

*Yeas:*

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Davis, Flowers, Fuller, Gaston, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (F) and Zoghby.

—58

*Nays:*

Reps.: Albright, Black, Boles, Britnell, Buskey (James), Buskey (John), Clark (D), Clark (W), Crow, Dutton, Ford, Goodwin, Grayson, Junkins, Kennedy, Lauderdale, Marietta, Nicholson, Payne, Pratt and Trammell.

—21

#### AMENDMENT TABLED

The question was then on the amendment offered by Rep. Buskey (James) to the bill, H. 1 as amended, and on motion of Rep. Johnson (Roy), the amendment was tabled.

Yeas 56; Nays 29.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blake, Blakeney, Box, Brooks, Browder, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—56

*Nays:*

Reps.: Albright, Black, Boles, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson,

Hall, Holmes, Junkins, Kennedy, Lauderdale, McDowell, Marietta, Melton, Moore, Nicholson, Perdue, Pratt, Rogers and Trammell.

—29

AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 1 as amended:

Amend House Bill 1, Section 2, Page 6, Line 16, after the word(s) “employee” (striking) the following:

,whose father is dead or is an invalid, and

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Albright to the bill, H. 1 as amended, was tabled.

Yeas 63; Nays 30.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Box, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

*Nays:*

Albright, Black, Boles, Brakefield, Britnell, Buskey (James), Buskey (John), Clark (D), Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Kennedy, Lauderdale, McDowell, McNair, Marietta, Nicholson, Perdue, Pratt, Rogers, Spratt, Thomas and Trammell.

—30

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Buskey (John) to postpone further consideration of the bill, H. 1 as amended, to the twelfth legislative day, was tabled.

Yeas 56; Nays 22.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Bowling, Box, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Hammett, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Moore, Newman, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—56

*Nays:*

Reps. Albright, Boles, Brakefield, Britnell, Clark (D), Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Lauderdale, McNair, Nicholson, Perdue, Pratt, Rogers and Trammell.

—22

## RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Pratt:

H. R. 33. CONGRATULATING MRS. IRENE BURGIN HARLESS ON HER 90TH BIRTHDAY.

## H. 1 RESUMED

### MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Holmes to postpone further consideration of the bill, H. 1 as amended to the tenth legislative day, was tabled.

Yeas 62; Nays 27.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Box, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Onderdonk, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—62

*Nays:*

Reps. Albright, Boles, Britnell, Buskey (James), Buskey (John), Clark (D), Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Kennedy, Lauderdale, McDowell, McNair, Marietta, Nicholson, Perdue, Pratt, Rogers, Spratt and Trammell.

—27

### MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Albright to postpone further consideration of the bill, H.1 as amended, to the fourth legislative day, was tabled.

Yeas 60; Nays 25.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Box, Brooks, Browder, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman,

Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—60

*Nays:*

Reps. Albright, Boles, Britnell, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Lauderdale, McNair, Marietta, Moore, Nicholson, Perdue, Pratt and Trammell.

—25

#### AMENDMENT OFFERED

Rep. Marietta offered the following amendment No. 1 to the bill, H. 1 as amended:

Amend House Bill 1, Section 3, Page 11, Line 14, after the word "(3)" by (striking) the following:

"operation of a motor vehicle while intoxicated"

And substituting in lieu thereof the following:

operation of any machine or mechanical apparatus, including a motor vehicle while intoxicated.

#### AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment No. 1 offered by Rep. Marietta to the bill, H. 1 as amended, was tabled.

Yeas 58; Nays 31.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Box, Browder, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Newman, Payne, Penry, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—58

*Nays:*

Reps. Black, Boles, Brakefield, Britnell, Brooks, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Lauderdale, McNair, Marietta, Mikell, Moore, Nicholson, Onderdonk, Perdue, Poole, Pratt, Tanner and Trammell.

—31

#### AMENDMENT OFFERED

Rep. Marietta offered the following amendment No. 2 to the bill, H. 1 as amended:

Amend House Bill 1, Section 5, Page 16, Line 34, after the word "34" by (striking) the following:

"For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability

of the injured person in the employment in which he was injured or other employment for which he is then qualified;"

And substituting in lieu thereof the following:

For disfiguring scars, not resulting from the loss of a member or other injury specifically compensated, which might reasonably be calculated to affect the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified.

#### AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment No. 2 offered by Rep. Marietta to the bill, H. 1 as amended, was tabled.

Yeas 58; Nays 30.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Box, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Mitchell, Newman, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—58

*Nays:*

Reps. Black, Boles, Britnell, Brooks, Buskey (James), Buskey (John), Clark (D), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Lauderdale, McNair, Marietta, Melton, Mikell, Nicholson, Onderdonk, Perdue, Poole, Pratt, Rogers, Starkey and Trammell.

—30

#### AMENDMENT OFFERED

Rep. Buskey (James) offered the following amendment No. 2 to the bill, H. 1 as amended:

Amend House Bill 1, Section 10, Page 32, Line 21, after the word "employer" by (striking) the following:

"solely"

#### AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment No. 2 offered by Rep. Buskey (James) to the bill, H. 1 as amended, was tabled.

Yeas 67; Nays 26.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Davis, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan,

SECOND EXTRAORDINARY SESSION  
3rd Day

67

Martin, Mathis, Mikell, Mitchell, Moore, Newman, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—67

*Nays:*

Reps. Black, Boles, Brakefield, Britnell, Buskey (James), Buskey (John), Clark (D), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Lauderdale, McNair, Marietta, Nicholson, Perdue, Poole, Rogers, Spratt and Trammell.

—26

AMENDMENT OFFERED

Rep. Buskey (John) offered the following amendment to the bill, H. 1 as amended:

Amend H.B. 1 as Substituted, Section 8, page 31, lines 18, 21, 24, 28, 32, and 38 by striking after the stricken word "~~one~~", the underlined word "two", and inserting in lieu thereof the following:

four

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Buskey (John) to the bill, H. 1 as amended, was tabled.

Yeas 63; Nays 22.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—63

*Nays:*

Reps. Black, Boles, Bryant, Buskey (James), Buskey (John), Clark (D), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Junkins, Kennedy, Lauderdale, Marietta, Nicholson, Perdue, Rogers, Spratt and Trammell.

—22

AMENDMENT OFFERED

Rep. Buskey (John) offered the following amendment No. 2 to the bill, H. 1 as amended:

Amend House Bill 1, Section 7, Page 28, Line 10, after the word "be" by (striking) the following: entitled to select a second physician from a panel

or list of four physicians selected by the employer. In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be entitled to select a second surgeon from a panel or list of four surgeons selected by the employer. If four physicians or surgeons are not available to be listed, the employer shall include on the list as many as are available. The four physicians or surgeons selected by the employer hereunder shall not be from or members of the same firm, partnership or professional corporation.

And substituting in lieu thereof the following:

entitled to select a physician or surgeon of his choice.

#### AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment No. 2 offered by Rep. Buskey (John) to the bill, H. 1 as amended, was tabled.

Yeas 60; Nays 27.

*Yeas:*

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Newman, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—60

*Nays:*

Reps. Boles, Britnell, Bryant, Buskey (James), Buskey (John), Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Junkins, Lauderdale, McNair, Marietta, Moore, Nicholson, Perdue, Pratt, Rains, Rogers and Trammell.

—27

And the bill, H. 1 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 21.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Davis, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr,



Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—81

*Nays:*

Reps. Albright, Boles, Brakefield, Britnell, Buskey (James), Buskey (John), Clark (D), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Holmes, Junkins, Lauderdale, Marietta, Nicholson, Pratt and Trammell.

—21

### RESOLUTION

The following resolution was introduced:

By Reps. Turner, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 34. URGING UNITED STATES NAVY TO LOCATE BATTLESHIP SURFACE ACTION GROUP IN MOBILE.

WHEREAS, The State of Alabama has a history of patriotism and support for the armed forces; and

WHEREAS, The State and the Port of Mobile pledge to work with the Navy in providing the best possible site at the lowest reasonable cost; and

WHEREAS, The members of the Alabama House of Representatives and the Alabama Senate, through their respective houses, also pledge their support to facilitate the location of the home port for the Surface Action Group in Mobile; and

WHEREAS, The economic benefits that accrue both to the State and locally are a positive factor, but in no way overshadow our sincere wish that the Navy locate in our state; and

WHEREAS, The State and all of its agencies, with the cooperation of the Legislature will work in any way possible to assist the Navy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely urge the Secretary of the Navy, The Honorable John Lehman, to select Mobile and the State of Alabama as the Gulf Coast Home Port for its Battleship Surface Action Group.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Secretary of the Navy, to the Leader of the Gulf Coast Homeporting Study Team, Captain James Ridge, USN/Ret.; to the President and Vice President of the United States; to the Speaker of the U.S. House of Representatives; and to each member of the Alabama Congressional delegation.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 34, was adopted.

### BILLS ON THIRD READING RESUMED

And the bill:

H. 2. (With Amendment): To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes: to specify the conduct to which this amendment applies: to provide for severability; and to provide for an effective date.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

On page 2, line 6, delete the language:

and

On page 2, line 7, delete the period and insert in lieu thereof:

.(h) any felony involving drug trafficking.

And the amendment was adopted.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey, (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson, (Roy) Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White, (F), White, (G), White, (L), and Zoghby.

—88

And the bill, H. 2 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark, (D), Clark, (J), Clark, (W),

SECOND EXTRAORDINARY SESSION  
3rd Day

71

Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—92

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 2:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Boles, Bowling, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

And the bill:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—91

And the bill:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—87

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 14:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Butler, Campbell, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Escott, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mikell, Newman, Onderdonk, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

And the bill:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Starkey,

Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—88

And the bill:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—90

And the bill:

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, McNair, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith,

Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

## H. 27 TEMPORARILY POSTPONED

On motion of Rep. Smith, the bill, H. 27, was temporarily postponed.

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Rice:

H. J. R. 35. WHEREAS, Paul and Jonathen Woodall are the sons of Dr. and Mrs. Keith Woodall of 1805 Whittelsey Court, Opelika, Alabama; and

WHEREAS, Paul and Jonathen were roaming in the woods near their Opelika home with close friend, David Mims of Sylacauga, who was visiting the Woodall brothers on the weekend of November 23, 1984; and

WHEREAS, Paul, Jonathen and David were swinging on vines in a canebreak when David tripped and fell on one of the canes that had been cut and punctured the femoral artery and began to bleed profusely; and

WHEREAS, Johnathen hurriedly returned to the Woodall home to telephone for medical help and Paul stayed with David, keeping his leg elevated and helping him take deep breaths; and

WHEREAS, Jonathen directed the rescue team to the location of David and Paul, where David was given proper medical attention, placed in an ambulance, transported to the Opelika hospital and underwent surgery for nearly two hours; and

WHEREAS, medical authorities state that except for the alertness of the Woodall boys and their ready knowledge of whom to call, David Mims possibly would not have survived this ordeal; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Paul and Jonathen Woodall are hereby commended for their quick thinking and action which saved the life of their good friend David Mims.

BE IT FURTHER RESOLVED, That Paul and Jonathen be presented a copy of this resolution as a token of our high praise and esteem as we wish them well in all future endeavors.

RESOLVED FURTHER, That David Mims be presented a copy of this resolution as we commend him for his bravery and wish him well in all his future endeavors.

On motion of Rep. Rice, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Rep. Pratt:

H. J. R. 36. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

WHEREAS, the Legislature of Alabama takes great pride in noting that Mr. Clarence A. Brooks has recently completed his three-millionth mile of driving for Trailways Bus System; and

WHEREAS, Mr. Brooks has been driving for Trailways since 1937 and in 44 years, he has not had one accident that has been his fault; and

WHEREAS, born in Sylacauga, he presently lives in Belview Heights with his wife Mary Frances and daughter Paula; and

WHEREAS, his recent accomplishment makes him only the twelfth driver in Trailways history to drive over three million miles; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Clarence A. Brooks for his noteworthy accomplishment of driving three million miles for Trailways Bus System and direct that he receive a copy of this resolution as evidence of our high esteem and warmest personal regard.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Reps. Bugg, Junkins and Ford:

H. J. R. 37. COMMENDING AND CONGRATULATING COACH BUSTER GROSS AND EMMA SANSOM HIGH SCHOOL OF GADSDEN, ALABAMA, OUR STATE 5A, 1984 FOOTBALL CHAMPIONS.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama notes the spectacular football season of Gadsden's Emma Sansom High School which culminated in the prestigious State 5A Football Championship for 1984; and

WHEREAS, following a perfect 10-0 regular season record, the Emma Sansom Rebels advanced to the Play-offs and never looked back as they shut-out Guntersville High, 42-0, and downed Gadsden High School, Colbert County and Gardendale High, 27-25, 10-7 and 7-6, successively; and

WHEREAS, their triumph came, of course, with a 10-7 victory over the Greenville Tigers in the finals, a game that was filled with excitement to the end when the Rebels took the Crown with a winning field goal in overtime; and

WHEREAS, it is further to be noted that under the talented leadership of Head Coach Buster Gross, 12-year veteran coach at ESHS, the Rebels' season was one to be envied with his offense averaging 30 points per game against an average of just 7 points per game given up by Emma Sansom's herculean defense; and

WHEREAS, Coach Gross' career at Emma Sansom High School has been one of great success and reward, with a program that sends many of his Rebels to the college ranks; he is joined in talent and ability by his assistants, Coaches Stan Romine, Robert Nichols, Bobby Smith, Richard Bishop, Billy Green and Patrick Hawk; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That in highest commendation, we

stand in tribute to Alabama's 1984 5A Football Champions, the Emma Sansom High School Rebels, and Coach Buster Gross.

BE IT FURTHER RESOLVED, That the Legislature's esteem be personally expressed through a copy of this resolution forwarded to Coach Gross with additional copies provided for appropriate presentation and display.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 37, was adopted.

### BILLS ON THIRD READING RESUMED

And the bill:

H. 19. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Was read a third time at length and lost, lacking a two-thirds vote of a quorum.

Yeas 52; Nays 27.

*Yeas:*

Mr. Speaker, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Burke, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Flowers, Gaston, Grouby, Hall, Harper, Holley, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mitchell, Moore, Newman, Penry, Poole, Reed, Rice, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G) and Zoghby.

—52

*Nays:*

Reps. Albright, Black, Brooks, Bryant, Buskey (James), Buskey (John), Butler, Davis, Escott, Grayson, Hettinger, Johnson (R.G.), Junkins, Laird, McDowell, McNair, Melton, Mikell, Nicholson, Onderdonk, Payne, Pratt, Rains, Rogers, Seibels, Spratt and White (L).

—27

And the bill:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$1,000.00 to \$1,250.00 for the first conviction. \$1,250.00 to \$1,500.00 for the second conviction and \$1,500.00 to \$2,000.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation shall be confiscated and upon conviction become the property of the Department of Conservation and Natural Resources.

Was taken up.

### AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 23;

Amend H. B. 23 on page 1, line 17 by striking the figures ~~\$1,000.00~~ and ~~\$1,250.00~~ and substituting therefor the figures \$600.00 and \$900.00 respectively.



Further amend on line 18 by striking the figures ~~\$1,250.00, \$1,500.00 and \$1,500.00~~ and substituting therefor the figures \$900.00, \$1,200.00 and \$1,200.00 respectively.

Further amend on line 19 by striking the figure ~~\$2,000.00~~, and substituting therefor the figure \$1,500.00.

Further amend on line 20 by striking the word ~~shall~~ and substituting therefor the word may.

Further amend on page 1, Section 2 on line 34 by striking the figures ~~\$1,000.00 and \$1,250.00~~ and substituting therefor the figures of \$600.00 and \$900.00 respectively.

Further amend on line 35 by striking the figures ~~\$1,250.00, \$1,500.00 and \$1,500.00~~ and substituting therefor the figures \$900.00, \$1,200.00 and \$1,200.00 respectively.

Further amend on page 2, line 1 by striking the figure ~~\$2,000.00~~ and substituting therefor the figure \$1,500.00.

Further amend on page 2, line 2 by striking the word ~~shall~~ and substituting the word may.

Further amend on page 2, line 3 by striking the word ~~shall~~ and substituting the word may.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Butler, Carter, Clark (D), Coleman, Cosby, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holley, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McDowell, McKee, McMillan, Marietta, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Rains, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—58

And the bill:

H. B. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900.00 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Butler, Carothers, Clark (D),

Coleman, Cosby, Crow, Escott, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Rains, Rice, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

And the bill:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 14.

*Yeas:*

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Bugg, Burke, Campbell, Clark (D), Coleman, Crow, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mitchell, Newman, Nicholson, Onderdonk, Penry, Rains, Reed, Rice, Seibels, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L), and Zoghby.

—46

*Nays:*

Reps. Albright, Bachus, Biddle, Carothers, Carter, Escott, Hall, Holley, Mathis, Mikell, Payne, Pratt, Tanner and White (G).

—14

#### H. 25 TEMPORARILY POSTPONED

On motion of Rep. Laird, the bill, H. 25, was temporarily postponed.

#### CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 25.

#### RESOLUTION

The following resolution was introduced:

By Rep. Rains:

H. J. R. 38. NAMING COUNTY ROAD 11, IN DEKALB COUNTY, ALABAMA, WHICH INTERSECTS WITH CERTAIN PORTIONS OF COUNTY ROAD 46 AND COUNTY ROAD 58, THE "E.M. GALLOWAY COUNTY ROAD."

WHEREAS, E.M. Galloway, Dekalb County, Alabama, was a prominent and outstanding citizen of this State and DeKalb County; and

WHEREAS, as a tribute to one of our sons of outstanding reputation, it is entirely fitting that the memory of Mr. E.M. Galloway be commemorated in his beloved DeKalb County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in posthumous acclaim, we hereby name and designate that certain portion of County Road 11, in DeKalb County, Alabama, from "county road 11, DeKalb County, begin at Whiton United Methodist Church and run northwesterly a distance of 1.5 miles, more or less, to the intersection with county road 46; thence run northeasterly along the aforesaid county road 46 a distance 0.4 miles, more or less, to the intersection with a paved road to the left, which is the continuation of county road 11; thence run northwesterly a distance of 1.9 miles, more or less, to the intersection with county road 58, near New Harmony Church," as the "E.M. Galloway County Road."

BE IT FURTHER RESOLVED, That the proper authorities of the county are hereby directed to erect and maintain appropriate road signs and markers so designating the said portion as the "E.M. Galloway County Road."

RESOLVED FURTHER, That Mr. E.M. Galloway's immediate family receive a copy of this resolution so that they may be apprised of this commemorative designation as a token of the esteem of the Alabama Legislature.

On Motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 38, was adopted.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Escott, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuit, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—80

And the bill:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Was read a third time at length and passed, and ordered sent forthwith the Senate without engrossment.

Yeas 75; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Escott, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

#### CO-SPONSOR ADDED

Rep. Thomas was added as co-sponsor to the bill, H. 18.

And the bill:

H. 5. (With Amendment): To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to include all boards, commissions and agencies within the purview of the statute.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 5 on page 1, Section 1 (a), line 27 by striking the following: ~~board, agency or commission created by statute or any~~ and substituting in lieu thereof the following: The State Textbook Committee

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Box, Brooks, Bryant, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Crow, Escott, Flowers, Gaston, Hall, Hammett, Harper, Hooper, Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—58

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Foshee (With Notice and Proof):

S. 14. Relating to Escambia County; providing for and requiring purging and reidentification of the registered voters; imposing duties upon the

SECOND EXTRAORDINARY SESSION  
3rd Day

81

Board of Registrars, the Judge of Probate and upon the electors whose names appear on the listing of qualified electors of the county; providing for criminal penalties for violations; and prescribing an effective date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 14 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY.

Also:

By Senators Langford and Dixon (With Notice and Proof):

S. 17. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 17 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919

McDOWELL LEE, SECRETARY.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 14. Local Legislation No. 1.

S. 17. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith the House without engrossment:

By Senator Smith (J):

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

Also:

By Senators Corbett, Drinkard, Bedsole, and Menton:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

The Senate Bills; the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 6. State Administration.

S. 18. Judiciary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Bennett, Amari, Mitchem, Cooley, Aldridge, Drinkard, Ellis, Cabiness, Smith (J), Goodwin, Dixon, Dial, Menton, Hand, Holmes, Bedsole, deGraffenried, Little, Corbett, Bailey, Parsons, Teague, Foshee, and Strong:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Also:

By Senators Cooley, Hilliard, Parsons, Langford, Teague, Figures, Horn, and Bennett:

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 2. Judiciary.

S. 22. Judiciary.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900.00 for the first conviction,

\$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

JIMMY CLARK,  
Chairman.

And the bill, H. 23 as engrossed, was sent to the Senate.

#### CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:20 A.M. on December 19, 1984.

H. J. R. 2

H. J. R. 3

H. J. R. 4

H. J. R. 6

H. J. R. 9

H. J. R. 14

H. J. R. 15

H. J. R. 16

H. J. R. 17

Delivered to the Governor at 12:00 Noon on December 19, 1984.

H. J. R. 18

Delivered to the Governor at 1:10 P.M. on December 19, 1984.

H. J. R. 5

JOHN W. PEMBERTON,  
Clerk.

#### ADJOURNMENT

On motion of Rep. Hall, the House adjourned until 3:30 o'clock p.m., Thursday, December 20, 1984.

JOURNAL OF THE HOUSE, 1984  
4th Day

FOURTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, December 20, 1984

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Henry Smith, Pastor, First Presbyterian Church, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Johnson (Roy), the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Martin, leave of absence was granted for Rep. Parker.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 39. COMMENDING THE REVEREND CHARLES COBB OF SCOTTSBORO, ALABAMA.



Also:

By Rep. Hall:

H. R. 40. COMMENDING MADISON COUNTY JUNIOR MISS,  
PAM DUGGAN.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 43. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES CONCURRING that when we adjourn today, we reconvene on Thursday, January 3rd, 1985.

McDOWELL LEE,  
Secretary.

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the resolution, S. J. R. 43 set out in the above and foregoing Message from the Senate:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, December 20, 1984, we adjourn to meet again Friday, December 21, 1984.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the substitute offered by Rep. Biddle to the resolution, S. J. R. 43:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when the two houses adjourn today, Thursday Dec. 20, 1984, they adjourn to meet again on Thursday Jan. 3, 1985, without pay or per diem.

SUBSTITUTE ADOPTED

And the substitute offered by Rep. Holley was adopted.

Yeas 69; Nays 11.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Flowers, Fuller, Gaston, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mitchell, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels,

Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—69

*Nays:*

Reps. Campbell, Davis, Escott, Grayson, McDowell, McNair, Martin, Melton, Perdue, Rains and Rogers.

—11

#### RESOLUTION ADOPTED

And the resolution, S. J. R. 43 as thus amended, was adopted.

Yeas 76; Nays 9.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Newman, Nicholson, Onderdonk, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—76

*Nays:*

Reps. Davis, Escott, Grayson, McDowell, McNair, Melton, Perdue, Rains and Rogers.

—9

#### RECESS

On motion of Rep. Johnson (Roy), the House stood in temporary recess.

#### HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Resolution:

S. J. R. 43. RELATIVE TO ADJOURNMENT WITHOUT PAY OR PER DIEM.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Horn, Langford and Hilliard.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Rep. Johnson (Roy) offered the motion that the House accede to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the resolution, S. J. R. 43.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Buskey (John) that the House adjourn until 2:00 o'clock p.m., Friday, December 21, 1984, was lost.

Yeas 6; Nays 65.

*Yeas:*

Reps. Buskey (James), Buskey (John), Laird, Nicholson, Spratt and Thomas.

—6

*Nays:*

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mitchell, Newman, Onderdonk, Penry, Poole, Pratt, Preuit, Rains, Richardson, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—65

The question was then on the motion offered by Rep. Johnson (Roy) that the House accede to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the resolution, S. J. R. 43, and the motion was adopted.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mitchell, Newman, Nicholson, Onderdonk, Penry, Perdue, Poole, Pratt, Preuit, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—76

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Davis, Holley and Johnson (Roy).

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hall to suspend the rules in order to take up out of order the bill, H. 5, was lost.

## BILLS ON SECOND READING

Rep. McKee Chairman of the Standing Committee on Local Legislation No. 4 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 17. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

## RESOLUTIONS

The following resolution was introduced:

By Rep. Smith:

H. J. R. 41. COMMENDING THE MAPLESVILLE HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Maplesville High School Team advanced to the semi-finals in the State 1A classification, losing only to Valley Head, and was runner-up in the State 1A Football High School Championship; and

WHEREAS, this outstanding football team, posted an enviable record of 10 wins and 4 losses and in playoffs beat Trinity, 21-7; Isabella, 19-0; and Oakman, 21-20, before falling to the mighty Valley Head champs; and

WHEREAS, Head Coach Jim Hubbert and Assistant Coach Mike Blair contributed all their talents and skills in honing the team's sharp execution, displayed throughout the season, and the formation of class, determination and spirit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby heartily commend this outstanding 1984 Maplesville High School Football Team for its outstanding season.

RESOLVED FURTHER, That copies of this resolution be sent to principal George Walker, head coach Jim Hubbert and assistant coach Mike Blair, and each team member and squad.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 41, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 42. CONGRATULATING JUDY AND PERRY OLIVER HOOPER, JR., ON THE BIRTH OF PERRY OLIVER HOOPER, III.

Also:

By Rep. Mathis:

H. R. 43. COMMENDING CHRISTINA RENEE GILMORE OF GENEVA, ALABAMA.

Also:

By Rep. Laird:

H. R. 44. CONGRATULATING MR. AND MRS. A. L. (PETE) GRIGGERS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bedford, Mitchem, Foshee, Little, Bishop, Barron, Dial, Menton and Bedsole:

S. J. R. 19. COMMENDING MAYOR BARBARA BOBO OF MILLPORT, ALABAMA.

Also:

By Senator Bedford:

S. J. R. 18. COMMENDING TODD H. KNOWLTON OF FAYETTE COUNTY, ALABAMA.

Also:

By Senator Bedford:

S. J. R. 17. MOURNING THE DEATH OF MARVIN J. PRICE OF FAYETTE COUNTY, ALABAMA.

Also:

By Senators Menton, Bedsole, Strong, Hand, Bedford, Aldridge, Amari, Bailey, Barron, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hilliard, Holmes, Horn, Langford, Little, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Teague:

S. J. R. 20. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

Also:

By Senator Little:

S. J. R. 21. COMMENDING MR. AND MRS. EARNEST WILBERT ROBINSON, JR., ON THEIR LONGTIME CAREERS WITH WEST POINT-PEPPERELL, INC.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Britnell, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 19, S. J. R. 18 and S. J. R.

17, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Turner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 20, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 21, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J) and Strong:

S. J. R. 31. NAMING THE NATATORIUM AT TROY STATE UNIVERSITY, THE "CHARLES McDOWELL LEE NATATORIUM."

Also:

By Senator Teague:

S. J. R. 32. NAMING THE NEW ART BUILDING AT TROY STATE UNIVERSITY, THE "WALLACE D. MALONE, JR., HALL OF FINE ARTS."

Also:

By Senator Goodwin:

S. J. R. 33. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Flowers, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 31 and S. J. R. 32, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Grouby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 33, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bedsole:

S. J. R. 34. COMMENDING UNITED STATES CONGRESSMAN JACK EDWARDS OF MOBILE, ALABAMA.

Also:

By Senators Dial and Little:

S. J. R. 35. CONGRATULATING MISS ANN LOUISE ZACHARY OWNER OF "BUDDY," ALABAMA'S MOST FAMOUS CANINE.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Gaston, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 34, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Laird, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 35, the title of which is set out in the above and foregoing Message from the Senate.

### UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 5. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to include all boards, commissions and agencies within the purview of the statute.

As amended on the third legislative day, was taken up.

### MOTION TO POSTPONE TABLED

On motion of Rep. Bugg, the motion offered by Rep. Carothers to postpone consideration of the bill, H. 5 as amended, twelve legislative days, was tabled.

Yeas 47; Nays 13.

*Yeas:*

Mr. Speaker, Albright, Biddle, Black, Blake, Box, Britnell, Browder, Burke, Buskey (John), Clark (D), Clark (J), Cosby, Crow, Davis, Escott, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.), Lauderdale, Lindsey, McDowell, McNair, Marietta, Mathis, Newman, Onderdonk, Payne, Perdue, Rains, Rice, Richardson, Rogers, Seibels, Smith, Turner, Venable, Warren, White (L) and Zoghby.

—47

*Nays:*

Reps. Bachus, Beasley, Brooks, Carothers, Flowers, McKee, Mitchell, Pratt, Preuitt, Sasser, Starr, Turnham and White (G).

—13

### MOTION TO RECOMMIT TABLED

On motion of Rep. McKee, the motion offered by Rep. Carothers to recommit the bill, H. 5 as amended, to the Standing Committee on State Administration, was tabled.

Yeas 51; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Beasley, Biddle, Black, Blake, Box, Britnell, Brooks, Browder, Burke, Buskey (John), Butler, Clark (D), Cosby, Crow, Davis, Escott, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.) Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McNair, Marietta, Mathis, Newman, Onderdonk, Perdue, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Turner, Venable, Warren and White (L).

—51

*Nays:* Reps. Bachus, Carothers, Preuitt, Sasser and Turnham.

—5

#### AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 5, as amended:

Amend H. B. 5 on page 1, Section 1 (a), line 27 by striking the following: ~~board, agency or commission created by statute or any~~ and, adding after the word, "namely," on page 1, line 29: The State Textbook Committee

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Box, Britnell, Brooks, Browder, Burke, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Escott, Gaston, Gray, Grouby, Hall, Hettinger, Holmes, Hooper, Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, Marietta, Mathis, Onderdonk, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—54

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Laird and Fuller:

H. R. 45. CONGRATULATING MISS ANN LOUISE ZACHARY OWNER OF "BUDDY," ALABAMA'S MOST FAMOUS CANINE.

#### H. 5 RESUMED

#### MOTION TO POSTPONE TABLED

On motion of Rep. Bugg, the motion offered by Rep. Turnham to postpone further consideration of the bill, H. 5 as amended, to the fifth legislative day, was tabled.



Yeas 37; Nays 14.

*Yeas:*

Mr. Speaker, Albright, Black, Blake, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Clark (J), Cosby, Crow, Davis, Gaston, Gray, Grayson, Hall, Holmes, Johnson (R.G.), Kvalheim, Laird, Lauderdale, McDowell, McKee, McNair, Onderdonk, Perdue, Poole, Richardson, Rogers, Seibels, Smith, Thomas, Venable and Zoghby.

—37

*Nays:*

Reps. Bachus, Beasley, Blakeney, Butler, Carothers, Clark (D), Escott, Faulk, Flowers, Nicholson, Preuitt, Starkey, Turnham and White (G).

—14

#### H. 5 TEMPORARILY POSTPONED

On motion of Rep. Turnham, the bill, H. 5 as amended, was temporarily postponed.

#### MOTION TO ADJOURN

Rep. Johnson (Roy) offered the motion that the House adjourn until 4:00 o'clock p.m., Thursday, January 3, 1985.

#### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Carothers that the House adjourn until 9:00 o'clock a.m., Friday, December 21, 1984, was lost.

Yeas 18; Nays 62.

*Yeas:*

Reps. Beasley, Biddle, Britnell, Carothers, Cosby, Faulk, Flowers, Hall, Harper, Hettinger, Johnson (R.G.), McKee, Mathis, Onderdonk, Poole, Preuitt, Rice and White (L).

—18

*Nays:*

Mr. Speaker, Albright, Bachus, Black, Blake, Blakeney, Boles, Bowling, Box, Brooks, Bugg, Burke, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Crow, Davis, Escott, Fuller, Gaston, Gray, Grayson, Grouby, Holley, Holmes, Hooper, Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Mitchell, Moore, Newman, Nicholson, Penry, Perdue, Pratt, Rains, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—62

#### ADJOURNMENT

The question was then on the motion offered by Rep. Johnson (Roy) that the House adjourn until 4:00 o'clock p.m., Thursday, January 3, 1985, and the motion was adopted.

JOURNAL OF THE HOUSE, 1985  
5th Day

FIFTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, January 3, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Bill R. Butler, Pastor, First Baptist Church of Dora, Dora, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark, (D), Clark, (J), Clark, (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson, (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White, (F), White, (G), White, (L) and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

ADJOURNMENT

On motion of Rep. Turner, the House adjourned until 12:00 noon, Friday, January 4, 1985.

SECOND EXTRAORDINARY SESSION  
6th Day

95

SIXTH DAY

House of Representatives  
Montgomery, Alabama  
Friday, January 4, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Gary Burton, Pintlala Baptist Church, Pintlala, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—101

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Perdue, leave of absence was granted for Reps. Rogers, Melton and Davis.

BILLS ON SECOND READING

Rep. Campbell Chairman, of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

## RESOLUTIONS

The following resolution was introduced:

By Reps. Moore, Tanner and Smith:

H. J. R. 46. COMMENDING THE BOARD OF TRUSTEES AND PRESIDENT JIM VICKREY OF THE UNIVERSITY OF MONTEVALLO

WHEREAS, the University of Montevallo, under its distinguished members of the Board of Trustees and President Jim Vickrey, since 1978, has continually assessed and evaluated its articulation of its mission, goals and objectives with its capabilities and performances; and

WHEREAS, the University of Montevallo through the vision and leadership of its Board of Trustees and President Jim Vickrey has provided clarity of purpose, policy and programs to the institution, its faculty, students and community; and

WHEREAS, the Board of Trustees of the University of Montevallo devoted much of the spring and summer of 1984 re-examining and analyzing the University's missions, goals and objectives and consulted with many outstanding educators, including Dr. Earl McGrath, former U. S. Commissioner of Education and Dr. Allan Ostar, President of the American Association of State Colleges and Universities, in maintaining its dedication in growth of intellectual and personal excellence; and

WHEREAS, educational authorities have praised Montevallo's mission statement as one of the best in the nation and the only one codified in the laws of the State of Alabama; and

WHEREAS, as a result of the study by the Board of Trustees of the University of Montevallo and the leadership of the able President Vickrey, the publication of "The Mission, Goals and (Annual) Objectives of the

University of Montevallo" is the most current and meaningful statement of primary purposes in Alabama higher education and remains the sole state university whose current mission statement is incorporated into the laws of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the members of the University of Montevallo Board of Trustees and President Jim Vickrey for their dedication to quality education and their commitment to high achievement and goals as so precisely stated in their publication, "The Mission, Goals and (Annual) Objectives of the University of Montevallo."

RESOLVED FURTHER, That a copy of this resolution be given to each member of the Board of Trustees of the University of Montevallo and President Jim Vickrey.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (L):

H. R. 47. CONGRATULATING MR. AND MRS. JAMES MONROE BOONE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Bugg:

H. J. R. 48. COMMENDING EMMA SANSOM HIGH SCHOOL'S GENE JELKS, CLASS 6A-5A PLAYER OF THE YEAR.

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to Emma Sansom High School's Gene Jelks, Class 6A-5A Player of the Year for 1984, as selected by The Gadsden Times, and a member of the Class 5A All-State Team; and

WHEREAS, senior Gene Jelks, a five-ten, 175 pound running back, rushed for over 1,400 yards and scored 14 TD's for the ESHS Rebels, leading his team to a 15-0 season and the State 5A Football Championship; and

WHEREAS, it is to be noted that going into the season, Gene Jelks had over 3,800 career rushing yards, 2,200 as a junior, but missed three games this year, due to an injury, and a chance to break the all-time state rushing record; and

WHEREAS, this fine young athlete is indeed well deserving of the outstanding honor "Player of the Year" and is to be commended for his contributions to the Emma Sansom team and to his school's entire athletic program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate

and praise Gene Jelks, Emma Sansom High School, as The Gadsden Times Class 6A-5A Player of the Year, and direct that he receive a copy of this resolution in small token of our sincere regard.

On motion of Rep. Bugg, the rules were suspended and the resolution H. J. R. 48, was adopted.

Also:

By Rep. Bugg:

H. J. R. 49. CONGRATULATING COACH BUSTER GROSS OF EMMA SANSOM HIGH SCHOOL, CLASS 6A-5A COACH OF THE YEAR.

WHEREAS, Coach Buster Gross, at Gadsden's Emma Sansom High School since 1973, has rebuilt his alma mater's varsity football team into a state powerhouse that boasts a phenomenal 72-9-2 record over the past seven years; and

WHEREAS, it is further to be noted, with utmost commendation, that Coach Gross' teams have participated in the state play-offs six out of those seven seasons, earning The Gadsden Times Team of the Year Award for six consecutive seasons: three times as a Class 4A school, twice as a 3A school and, this year, as the Class 6A-5A selection for top honors; and

WHEREAS, Coach Gross also directed his Rebels to the 1984 Class 5A State Football Title with a 15-0 record, including five shutouts and seven games with eight or less points for their opposition; and

WHEREAS, prior to assuming his position at ESHS, Coach Gross served tenures at Southside, Walnut Grove and at Arab; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend heartiest congratulations to Coach Buster Gross, Class 6A-5A Coach of the Year, and direct that he receive a copy of this commendatory resolution in token of our sincere warm praise and regard.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 49, was adopted.

Also:

By Reps. Holmes, Holley, Johnson (Roy), and Spratt:

H. J. R. 50. MEMORIALIZING ALABAMA'S CONGRESSIONAL DELEGATION TO RESIST EFFORTS BY PRESIDENT REAGAN AND HIS ADMINISTRATION TO REDUCE AND/OR ELIMINATE FUNDING FOR VARIOUS SOCIAL PROGRAMS AND OTHER BENEFITS.

WHEREAS, the administration's solution to deficit federal spending has been made evident through recent public announcements of programs under consideration for drastic reductions in funding; and

WHEREAS, targeted for cuts by President Reagan's advisors are such vital programs as Medicaid and Medicare, housing for the elderly and veteran's benefits, among numerous other compassionate subsidies for our nation's young and needy, the aged, infirmed and homeless; and

WHEREAS, a nation devoid of the milk of human kindness is a nation doomed to self destruction, and the Alabama Legislature finds it reprehensible

that our leaders in Washington would seek to lower the national debt by eliminating or drastically reducing aid to those who are most in need of assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously implore the members of Alabama's Congressional Delegation to resist any and all efforts President Reagan and his administration to reduce and/or eliminate funding for the above enumerated programs and various other social programs and benefits for our citizens.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of Alabama's Congressional Delegation.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 50, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Bryant:

H. R. 51. MOURNING THE DEATH OF MRS. MAUDE EVELYN HAYDEN OF UNIONTOWN, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Hooper, Gaston, Rice, Flowers, Cosby, White (G), Gray, Kvalheim, Harper, McMillan, Lindsey, Preuitt, Carothers, Mikell, Starr and Seibels:

H. J. R. 52. REQUESTING THE CONGRESS OF THE UNITED STATES TO REQUIRE THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES AND THAT THE PRESENT NATIONAL DEBT BE VOID.

WHEREAS, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, there is a provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress; and

WHEREAS, on August 18, 1976, this body petitioned the Congress to convene a constitutional convention for the purpose of proposing an amendment to the Constitution requiring that federal spending not exceed estimated federal revenues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby requests the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year and that the present national debt shall be deemed void.

BE IT FURTHER RESOLVED, That, alternatively the Alabama Legislature requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year and that the present national debt shall be deemed void.

FURTHER RESOLVED, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

FURTHER RESOLVED, That the Secretary of the Senate is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union; the Clerk of the United States House of Representatives, Washington, D.C.; the Secretary of the United States Senate, Washington, D.C.; and to each member of the Alabama Congressional Delegation.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 53. CONGRATULATING MR. AND MRS. ALLEN SHIRLEY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. 3. COMMENDING LONGTIME LITTLE LEAGUE COACH CHICK EARLE OF ANDALUSIA, ALABAMA.



Also:

S. J. R. 4. EXPRESSING APPRECIATION TO CAPITOL HOST-ESS, MRS. MARIE WALKER, AND OTHER CAPITOL EMPLOYEES.

Also:

S. J. R. 8. COMMENDING HOMEWOOD HIGH SCHOOL AND HOMEWOOD MIDDLE SCHOOL FOR BEING SELECTED AS AMONG THE NATION'S BEST IN 1983-84.

Also:

S. J. R. 9. COMMENDING JUDGE EDGAR P. RUSSELL, JUNIOR, DISTINGUISHED ALABAMA JURIST.

Also:

S. J. R. 10. MOURNING THE DEATH OF FINIS EWING ST. JOHN, III, OF CULLMAN, ALABAMA.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### MOTION TO RECESS

Rep. Johnson (Roy) offered the motion that the House recess until 3:30 o'clock p.m.

#### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Buskey (James) that the House adjourn until 2:00 o'clock p.m., Tuesday, January 8, 1985, was lost.

Yeas 11; Nays 64.

Yeas:

Reps. Black, Bryant, Buskey, (James), Buskey (John), Clark (D), Clark (W), Goodwin, Grayson, Moore, Nicholson and Rains.

—11

Nays:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Ford, Fuller, Gaston, Gray, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels,

Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—64

## RECESS

The question was then on the motion offered by Rep. Johnson (Roy) that the House recess until 3:30 o'clock p.m., and the motion was adopted.

## HOUSE RECONVENED

The hour of 3:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 46. COMMENDING THE BOARD OF TRUSTEES AND PRESIDENT JIM VICKREY OF THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 48. COMMENDING EMMA SANSOM HIGH SCHOOL'S GENE JELKS, CLASS 6A-5A PLAYER OF THE YEAR.

Also:

H. J. R. 49. CONGRATULATING COACH BUSTER GROSS OF EMMA SANSOM HIGH SCHOOL, CLASS 6A-5A COACH OF THE YEAR.

Also:

H. J. R. 41. COMMENDING THE MAPLESVILLE HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

Also:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

Also:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Also:

H. 22. Relating to Montgomery County; to provide for an additional expense allowance for the members of the county board of equalization.

Also:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Also:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

McDOWELL LEE,  
Secretary.

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Pratt:

H. R. 54. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 17. MOURNING THE DEATH OF MARVIN J. PRICE OF FAYETTE COUNTY, ALABAMA.

Also:

S. J. R. 18. COMMENDING TODD H. KNOWLTON OF FAYETTE COUNTY, ALABAMA.

Also:

S. J. R. 19. COMMENDING MAYOR BARBARA BOBO OF MILLPORT, ALABAMA.

Also:

S. J. R. 20. URGING THE SECRETARY OF THE NAVY TO DESIGNATE THE PORT OF MOBILE AS THE HOME PORT FOR A NEW CARRIER BATTLE GROUP.

Also:

S. J. R. 21. COMMENDING MR. AND MRS. EARNEST WILBERT ROBINSON, JR., ON THEIR LONGTIME CAREERS WITH WEST POINT-PEPPERELL, INC.

Also:

S. J. R. 31. NAMING THE NATATORIUM AT TROY STATE UNIVERSITY, THE "CHARLES McDOWELL LEE NATATORIUM."

Also:

S. J. R. 32. NAMING THE NEW ART BUILDING AT TROY STATE UNIVERSITY, THE "WALLACE D. MALONE, JR., HALL OF FINE ARTS"

Also:

S. J. R. 33. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

S. J. R. 34. COMMENDING UNITED STATES CONGRESSMAN JACK EDWARDS OF MOBILE, ALABAMA.

Also:

S. J. R. 35. CONGRATULATING MISS ANN LOUISE ZACHARY OWNER OF "BUDDY," ALABAMA'S MOST FAMOUS CANINE.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your standing committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 9. Relating to Lee County; providing further for certain child care or day care centers; prohibiting certain day care centers to operate on a twenty-four hour basis unless approved by the department of pensions and security; and providing an effective date.

Also:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

Also:

H. 22. Relating to Montgomery County: to provide for an additional expense allowance for the members of the county board of equalization.

Also:

H. 26. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Also:

H. 28. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the State enacted during the 1983 Third and Fourth Special Sessions and the 1984 Regular and First Special Sessions of the Legislature, as contained in the 1984 Cumulative Supplement to the Code of Alabama 1975 and the 1984 Replacement Volume 14 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Also:

H. J. R. 41. COMMENDING THE MAPLESVILLE HIGH SCHOOL FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

H. J. R. 46. COMMENDING THE BOARD OF TRUSTEES AND PRESIDENT JIM VICKREY OF THE UNIVERSITY OF MONTEVALLO

Also:

H. J. R. 48. COMMENDING EMMA SANSOM HIGH SCHOOL'S GENE JELKS, CLASS 6A-5A PLAYER OF THE YEAR.

Also:

H. J. R. 49. CONGRATULATING COACH BUSTER GROSS OF EMMA SANSOM HIGH SCHOOL, CLASS 6A-5A COACH OF THE YEAR.

Also:

H. 11. Proposing an amendment to Amendment 201 of the Constitution of 1901, relating to cattle promotion and the cattle industry and the collection of fees therefor.

And finds same correctly enrolled.

JIMMY CLARK.  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Ellis:

S. 3 To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 3. State Administration.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 5:50 P.M. on January 4, 1985.

H. 11.

Delivered to the Governor at 5:50 P.M. on January 4, 1985.

H. 9.

H. 18.

H. 22.

H. 26.

H. 28.

H. J. R. 41.

H. J. R. 46.

H. J. R. 48.

H. J. R. 49.

JOHN W. PEMBERTON,  
Clerk.

MOTION TO ADJOURN

Rep. Johnson (Roy) offered the motion that the House adjourn until 6:00 o'clock p.m., Saturday, January 5, 1985.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Buskey (James) that the House adjourn until 9:00 o'clock a.m., Saturday, January 5, 1985, was lost.

Yeas 15; Nays 54.

*Yeas:*

Rep. Box, Brakefield, Bryant, Buskey (James), Buskey (John), Butler, Coburn, Grayson, Hettinger, McDowell, Marietta, Onderdonk, Rains, Smith and Starkey.

—15

*Nays:*

Mr. Speaker, Albright, Blake, Blakeney, Boles, Bowling, Britnell, Browder, Bugg, Burke, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Spratt, Starr, Tanner, Thomas, Turner, Turnham, White (L) and Zoghby.

—54

The question was then on the motion offered by Rep. Johnson (Roy) that the House adjourn until 6:00 o'clock p.m., Saturday, January 5, 1985.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Albright that the House adjourn until 8:00 o'clock p.m., Saturday, January 5, 1985, was lost.

Yeas 19; Nays 47.

*Yeas:*

Reps. Albright, Bowling, Brakefield, Bryant, Buskey (James), Buskey (John), Butler, Carter, Coburn, Faulk, Hall, Hettinger, Marietta, Nicholson, Parker, Poole, Rains, Starr and White (L).

—19

*Nays:*

Mr. Speaker, Black, Blake, Blakeney, Box, Britnell, Bugg, Burke, Carothers, Clark (D), Clark (J), Coleman, Cosby, Davis, Flowers, Fuller, Gaston, Gray, Grouby, Harper, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Martin, Mathis, Newman, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rice, Richardson, Smith, Spratt, Starkey, Thomas, Turner, Turnham, and Zoghby.

—47

ADJOURNMENT

The question was again on the motion offered by Rep. Johnson (Roy) that the House adjourn until 6:00 o'clock p.m., Saturday, January 5, 1985, and the motion was adopted.

Yeas 66; Nays 5.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Britnell, Browder, Bryant, Bugg, Burke, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, White, (L) and Zoghby.

—66

Nays: Reps. Butler, Coburn, Grayson, Hall and Hettinger.

—5

## SEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Saturday, January 5, 1985

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Rep. Ralph Burke, Ft. Payne, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.



SECOND EXTRAORDINARY SESSION  
7th Day

109

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 22. (With Amendments): To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

RESOLUTION

The following resolution was introduced:

By Reps. Clark (D), Starkey, Coburn, Goodwin, Butler, Grayson and Hettinger:

H. J. R. 55 URGING PRESIDENT REAGAN TO SUPPORT FULL FEDERAL FUNDING TO THE TENNESSEE VALLEY AUTHORITY'S NATIONAL FERTILIZER DEVELOPMENT CENTER.

WHEREAS, recent revelations of proposed federal budget cuts indicate consideration by the administration of a reduction of some \$36 million in the appropriation to the Tennessee Valley Authority's National Fertilizer Development Center; and

WHEREAS, should such a proposal become reality, repercussions would be felt nationwide, affecting the Muscle Shoals area, the State of Alabama, the American farmer, our nation's entire agricultural program and, ultimately, the American consumer who directly benefits from NFDC research and development; and

WHEREAS, further, low food prices enjoyed by the American public, compared to those in Europe and the Soviet Union, are directly related to efficiency in American agriculture, and that in turn is indisputably the result of the proven effectiveness of NFDC's program, one which is not and cannot be duplicated either by private industry or the U. S. Department of Agriculture; and

WHEREAS, to the Shoals, however, such cuts would prove disastrously punitive to an economy already beset with unemployment at 15.4% and which could rise as high as 25-30%, and

WHEREAS, studies by the University of North Alabama also indicate that a TVA budget cut to \$10 million would result in a reduction of NFDC employees from 1000 to 100, dumping perhaps 400 homes on an already saturated market; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge President Ronald Reagan to support and promote a continuation of current level funding to TVA's National Fertilizer Development Center.

BE IT FURTHER RESOLVED, That by copy of this resolution, the clerk of the House inform President Reagan of the Legislature's urgent request on behalf of the American farmer and consumer.

RESOLVED FURTHER, That copies of this resolution also be dispatched to each member of Alabama's Congressional Delegation that they may personally carry our plea both to the President and to the Congress.

On motion of Rep. Clark (D), the rules were suspended and the resolution, H. J. R. 55, was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S. 18.

And the bill:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

Was read a third time at length and passed.

SECOND EXTRAORDINARY SESSION  
7th Day

111

Yeas 57; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brooks, Browder, Burke, Butler, Carothers, Clark (D), Clark (J), Cosby, Davis, Ford, Fuller, Gaston, Gray, Grayson, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Pratt, Rains, Rice, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—57

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S. 2.

And the bill:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Buskey, (James), Buskey, (John), Butler, Carothers, Clark, (D), Clark, (J), Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Hooper, Johnson, (RG), Johnson, (Roy), Junkins, Kvalheim, Laird, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White, (F), White, (L) and Zoghby.

—71

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Grouby:

H. R. 56. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried,

Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Horn, Langford, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 44. COMMENDING SENATOR T.D. (TED) LITTLE OF AUBURN, ALABAMA ON HIS ELECTION AS CHAIRMAN OF THE SOUTHERN LEGISLATIVE CONFERENCE.

Also:

By Senator Barron:

S. J. R. 46. MOURNING THE DEATH OF JOHN T. REID OF SCOTTSBORO, ALABAMA.

Also:

By Senators Barron and Bailey:

S. J. R. 47. MOURNING THE DEATH OF JOE JOHN MONEY OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 44, S. J. R. 46, and S. J. R. 47, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 49. COMMENDING MOZELLE S. WALLACE ON HER EIGHTY-SEVENTH BIRTHDAY.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 49, the title of which is set out in the above and foregoing Message from the Senate.

#### RESOLUTION

The following resolution was introduced:

By Rep. Spratt:

H. J. R. 57. COMMENDING SIMON T. MADDEN

SECOND EXTRAORDINARY SESSION  
7th Day

113

WHEREAS, Mr. Simon Thomas Madden of Birmingham, Alabama recently retired from the Alabama Board of Funeral Service where he held the position of Associate Executive Secretary; and

WHEREAS, Mr. Madden has been associated with the Funeral industry for more than forty years and was a funeral home owner and operator in Sylacauga, Alabama for approximately twenty years; and

WHEREAS, Mr. Madden was appointed by the Alabama Board of Funeral Service, shortly after its creation, as associate executive secretary and has remained until his recent retirement, making him the first and only person to hold said position; and

WHEREAS, Mr. Madden's knowledge, experience, and contributions will be missed by the State of Alabama Board of Funeral Service and its staff; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. Simon Thomas Madden for his contributions and years of service to the Funeral industry of the State of Alabama and extend to him our sincere best wishes in the coming years; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Simon T. Madden so that he may know of our sincere admiration and regard for his years of service.

On motion of Rep. Spratt, the rules were suspended and the resolution, H. J. R. 57, was adopted.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 6:00 o'clock p.m., Sunday, January 6, 1985.

EIGHTH DAY

House of Representatives  
Montgomery, Alabama  
Sunday, January 6, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Richard Laird, Roanoke, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant,

Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 58. COMMENDING CLAY COUNTY AGENT-COORDINATOR TOM FARROW OF ASHLAND, ALABAMA.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 2. To amend Code of Alabama 1975, §15-3-5, which specifies the crimes for which there is no limitation of time within which to commence a prosecution, in order to enlarge the number of such crimes; to specify the conduct to which this amendment applies; to provide for severability; and to provide for an effective date.

Also:

S. 18. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify

competency for fire bosses and mine foremen, and provides for the continuation of said board on and after October 1, 1984, the provisions of Chapter 20, Title 41, Code of Alabama 1975, to the contrary notwithstanding.

Also:

S. J. R. 44. COMMENDING SENATOR T. D. (TED) LITTLE OF AUBURN, ALABAMA ON HIS ELECTION AS CHAIRMAN OF THE SOUTHERN LEGISLATIVE CONFERENCE.

Also:

S. J. R. 46. MOURNING THE DEATH OF JOHN T. REID OF SCOTTSBORO, ALABAMA.

Also:

S. J. R. 47. MOURNING THE DEATH OF JOE JOHN MONEY OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 49. COMMENDING MOZELLE S. WALLACE ON HER EIGHTY-SEVENTH BIRTHDAY.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 59. COMMENDING KIWANIS INTERNATIONAL ON THE 70TH ANNIVERSARY OF ITS FOUNDING.

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. R. 59:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Burke, Buskey (John), Carothers, Carter, Clark (J), Cosby, Davis, Dutton, Escott, Fuller, Gaston, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kvalheim, Laird, McDowell, McKee, McMillan, Marietta, Mikell, Newman, Nicholson, Onderdonk, Parker, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Smith, Starr, Turner, Venable, Warren, White (L) and Zoghby.

Also:

By Rep. Junkins:

H. R. 60. MOURNING THE DEATH OF MR. ED RILEY BARNES OF GADSDEN, ALABAMA.

Also:

By Rep. Jenkins:

H. R. 61. COMMENDING COACH E. S. BLACK OF GADSDEN, ALABAMA.

Also:

By Rep. Beasley:

H. R. 62. COMMENDING HOUSTON COUNTY'S ROBERT STEWART, STATE 2A PLAYER OF THE YEAR.

Also:

The following resolution was introduced:

By Rep. Rice:

H. J. R. 63. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT, JR., OPELIKA, ALABAMA

WHEREAS, in consensus of deep sorrow and regret, the Legislature of Alabama records the death of Mr. Isaac Judson Scott, Jr., on January 2, 1985; and

WHEREAS, Mr. Scott was a life-long citizen of Opelika and was actively involved in its growth through education, industry, business and many civic contributions. He was a charter member of the Opelika Jaycees and a member of the Opelika Kiwanis Club. He was a member of the First Baptist Church of Opelika and had served as chairman of its building committee; and

WHEREAS, Mr. Scott served on the Opelika Board of Education for fifteen years and later on the Scott Preparatory School Board of Directors; and

WHEREAS, Mr. Scott served in the U.S. Army in Korea with the rank of a sergeant; and

WHEREAS, at the time of his death, Mr. Scott was a vice-chairman of the State of Alabama Judicial Inquiry Commission on which he had served since 1974. He was a director of the Alabama Road Builders Association and a director of First Federal Bank. He was a member of the Opelika Industrial Development Board. He was a Mason and a member of the Elks Lodge; and

WHEREAS, Mr. Scott, who is survived by his beloved wife, Martha Mardre Scott, also leaves his children; Bill Scott, Ike and Rhonda Scott, David and Vera Ellen Scott of Opelika and Bob and Pat Scott of Birmingham; his mother, Mrs. I. J. Scott, Sr. of Opelika; his sister, Miss Marion Scott of Frankfurt, Kentucky and four grand-children; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Isaac Judson Scott, Jr. of Opelika, Alabama, and direct that copies of this resolution be provided for his wife, children and mother whose insoluble loss also is ours.

On motion of Rep. Rice, the rules were suspended and the resolution, H. J. R. 63, was adopted.



Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Rice:

H. R. 64. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT, JR., OPELIKA, ALABAMA.

Also:

By Rep. Preuitt:

H. R. 65. COMMENDING AND CONGRATULATING CLARK JOHN PATTERSON ON ATTAINING THE RANK OF EAGLE SCOUT.

Also:

By Rep. Preuitt:

H. R. 66. COMMENDING AND CONGRATULATING JAMES KIRK SPRATLIN ON ATTAINING THE RANK OF EAGLE SCOUT.

Also:

The following resolution was introduced:

By Reps. Davis, Spratt, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 67. MOURNING THE DEATH OF JOHN WESLEY ROGERS, SR., OF FAIRFIELD, ALABAMA.

WHEREAS, in deep, personal sorrow, the Legislature of Alabama records the death of John Wesley Rogers, Sr. of Fairfield, Alabama, at the age of 63 years; and

WHEREAS, Mr. Rogers, a longtime member of St. Mary's Catholic Church, was a former representative of Calders Furniture Company and respected member of his family and community; and

WHEREAS, John Wesley Rogers, who is survived by his devoted and beloved wife of many years, Mrs. Eunice Bonner Rogers, also leaves to mourn one daughter, Mrs. Marie Rogers, Fairfield, Alabama, three sons, State Representative John Rogers, Jr., Birmingham, Eric Rogers, Pasadena, California and Carl Rogers, Lewisburg, Tennessee; and

WHEREAS, the death of John Wesley Rogers, Sr., has indeed left a deep void in the hearts and memory of his family, his many friends and all of those whose lives he touched through kindness and in service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John Wesley Rogers, Sr. of Fairfield, Alabama, and direct that copies of this resolution be provided for his wife, Eunice Bonner Rogers, his daughter, Marie, his sons, John, Eric and Carl, and other family members whose sorrow and grief we share.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 67, was adopted.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S. 6.

And the bill:

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

Was read a third time at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Carter, Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Grouby, Harper, Harvey, Holley, Holmes, Hooper, Johnson, (RG), Johnson, (Roy), Junkins, Kvalheim, Laird, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Tanner, Thomas, Turner, Turnham, Venable, Warren, White, (L) and Zoghby.

—67

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Escott, Rogers and Davis:

H. R. 68. COMMENDING TRINITY BAPTIST CHURCH ON MORTGAGE BURNING.

#### ADJOURNMENT

On motion of Rep. Holley, the House adjourned until 6:00 o'clock p.m., Monday, January 7, 1985.

#### NINTH DAY

House of Representatives  
Montgomery, Alabama  
Monday, January 7, 1985

The House met pursuant to adjournment.

SECOND EXTRAORDINARY SESSION  
9th Day

119

PRAYER

The session was opened with prayer by Rev. Jack Lemmond, Pinedale Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

BILLS INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), all House Bills on the Calendar were indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S. 3.

And the bill:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a

Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, S. 3:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-52, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

“Section 41-16-52. (a) All expenditure of funds of whatever nature for repair parts and repair of heavy duty off-highway construction equipment and of all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, including machinery used for grading, drainage, road construction and compaction for the exclusive use of county and municipal, highway, street and sanitation departments, involving not more than \$6,000 made by or on behalf of any county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall be made, at the option of said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article. The foregoing exemption from the provisions of this article shall apply to each incident of repair as to any such repair parts, equipment vehicles or machinery. The amount of such exempted expenditure shall not be construed to be an aggregate of all such expenditures per fiscal year as to any individual vehicle or piece of equipment or machinery.

“(b) The option provided by subsection (a) of this section may be exercised by said governing boards, bodies, instrumentalities and commissions by specific reference to this section on any and all purchase orders and purchase commitments executed by said governing boards, bodies, instrumentalities and commissions.

“(c) All expenditures of funds of whatever nature for the leasing of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, including machinery for grading, drainage, road construction and compaction for the exclusive use of county and municipalities, highway, street and sanitation departments, involving a monthly rental of not more than \$3,000 per month per vehicle or piece of equipment or machinery but not to exceed \$8,000 per month for all such vehicles and pieces of equipment made by or on behalf of any county commissions and the governing boards of municipalities of the state and the governing bodies of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions shall be

made, at the option of the said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article.”.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Holley, the motion offered by Rep. Venable to postpone consideration of the bill, S. 3 and the pending substitute, to the tenth legislative day, was tabled.

Yeas 31; Nays 30.

*Yeas:*

Mr. Speaker, Biddle, Blake, Britnell, Bryant, Burke, Carter, Coleman, Gaston, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Newman, Nicholson, Onderdonk, Penry, Rice, Turner and Zoghby.

—31

*Nays:*

Reps. Adams, Albright, Beasley, Brooks, Bugg, Buskey (James), Buskey (John), Butler, Clark (J), Davis, Escott, Faulk, Flowers, Fuller, Gray, Grouby, Hall, Hettinger, Marietta, Mikell, Payne, Perdue, Pratt, Preuitt, Rains, Richardson, Smith, Tanner, Turnham and Venable.

—30

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and the Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 6. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 69. COMMENDING MR. J. T. VANDIVER.

## S. 3 RESUMED

## S. 3 TEMPORARILY POSTPONED

On motion of Rep. Holley, the bill, S. 3, and the pending substitute were temporarily postponed.

## LOCAL BILLS POSTPONED

On motion of Rep. Johnson (Roy), all Local Bills on the Calendar were indefinitely postponed.

## RESOLUTION

The following resolution was introduced:

By Rep. Reed:

H. J. R. 70. MOURNING THE DEATH OF PRENTICE H. POLK OF TUSKEGEE, ALABAMA.

WHEREAS, the Legislature of Alabama previously notes the death of Prentice H. Polk of Tuskegee, Alabama, on December 29, 1984, at the age of 86 years; and

WHEREAS, P. H. Polk will long be recognized as one of the greatest black photographers this nation has ever produced being best known for his photographic depiction of rural southern blacks; and

WHEREAS, Mr. Polk, though he was born in Bessemer, adopted Tuskegee as his home in 1916 and after working as a photographer all over the country returned there to live permanently in 1939; and

WHEREAS, in civic and community responsibility, Mr. Polk was an avid supporter of Tuskegee Institute who often exercised his photographic skills on Dr. George Washington Carver; and

WHEREAS, Mr. Polk exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen; he gained the respect and affection of all who knew him; and

WHEREAS, Mr. Polk was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved and saddened by the death of Prentice H. Polk of Tuskegee, Alabama, and direct that copies of this resolution of our condolences be forwarded to his children whose sorrow also is ours.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 70, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and order same sent forthwith to the House without engrossment:

By Senators Teague and Corbett:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the

Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 34. Judiciary.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Bedsole:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation of any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer

or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 33. Judiciary.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Also:



H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

McDOWELL LEE,  
Secretary.

#### ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 6:00 o'clock p.m. Tuesday, January 8, 1985.

#### TENTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, January 8, 1985

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by Rev. Fred Wilson, Southside Baptist Church, Montgomery, Alabama.

#### ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

#### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Grouby:

H. R. 71. MOURNING THE DEATH OF LEON PEARSON OF PRATTVILLE.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 12. To amend Section 2-8-10, Code of Alabama 1975, which relates to referendum elections for the assessment of fees for the promotion of the cattle industry, so as to provide further for such assessment process by eliminating existing limits on fee assessments.

Also:

H. 14. To amend Section 12-12-31, Code of Alabama 1975, which provides for the jurisdiction of small claims court, so as to provide further for said jurisdiction.

And finds same correctly enrolled

JIMMY CLARK,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark J., the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

## BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide

the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof;

and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

### RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 72. CONGRATULATING MRS. SARAH FRANCES MCINTYRE OF CLARKE COUNTY, ALABAMA

Also:

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 73. NAMING S.B. 33 OF THE SECOND SPECIAL SESSION, 1984, THE "BISHOP-COOLEY-JOHNSON ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the act which Senate Bill 33 of The 1984 Second Special Session becomes, shall be and the same is hereby named the "Bishop-Cooley-Johnson Act."

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Senators Charles Bishop and Steve Cooley and Representative Roy Johnson.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 73, was adopted.

Also:

By Rep. Davis:

H. J. R. 74. WELCOMING THE 3RD ANNUAL MUSIC AND PREACHING WORKSHOP TO BIRMINGHAM, ALABAMA.

WHEREAS, the 3rd Annual Music and Preaching Workshop will be held Thursday, January 24, 1985 in Birmingham, Alabama; and

WHEREAS, This workshop is being sponsored by Dr. Henry H. Thomas of Washington, D.C.; and

WHEREAS, Mrs. Annie Levenson serves as Alabama Area Chairperson and as National Women's Division Chairperson; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome the 3rd Annual Music and Preaching Workshop to Birmingham, Alabama.

BE IT FURTHER RESOLVED, That we extend best wishes for continued success following this exhilarating effort.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 74, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Flowers, Fuller, Laird and White (L):

H. R. 75. MOURNING THE DEATH OF DR. ALEX LEE TUCKER, SR. OF LANETT, ALABAMA.

Also:

By Rep. White (L):

H. R. 76. MOURNING THE DEATH OF JAMES C. PRITCHARD OF JACKSON GAP, TALLAPOOSA COUNTY, ALABAMA.

#### UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Which was temporarily postponed on the ninth legislative day with pending substitute was taken up.

#### SUBSTITUTE WITHDRAWN

Rep. Holley withdrew the substitute offered by him to the bill, S. 3, on the ninth legislative day.

#### SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, S. 3:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Be It Enacted By The Legislature of Alabama:

Section 1. Section 41-16-52, Code of Alabama, 1975, as amended, is hereby further amended to read as follows:

"Section 41-16-52. (a) All expenditure of funds of whatever nature for repair parts and repair of heavy duty off-highway construction equipment

and of all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, including machinery used for grading, drainage, road construction and compaction for the exclusive use of county and municipal, highway, street and sanitation departments, involving not more than \$6,000 made by or on behalf of any county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall be made, at the option of said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article. The foregoing exemption from the provisions of this article shall apply to each incident of repair as to any such repair parts, equipment, vehicles or machinery. The amount of such exempted expenditure shall not be construed to be an aggregate of all such expenditures per fiscal year as to any individual vehicle or piece of equipment or machinery.

“(b) The option provided by subsection (a) of this section may be exercised by said governing boards, bodies, instrumentalities and commissions by specific reference to this section on any and all purchase orders and purchase commitments executed by said governing boards, bodies, instrumentalities and commissions; provided, however, said option shall not be exercised by any employee, agent or servant unless done so after having received official prior approval of the respective governing board, body, instrumentality or commission or unless exercised pursuant to a formal policy adopted by such governing board, body, instrumentality or commission setting out conditions and restrictions under which such option shall be exercised.

“(c) All expenditures of funds of whatever nature for the leasing of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, including machinery for grading, drainage, road construction and compaction for the exclusive use of county and municipalities, highway, street and sanitation departments, involving a monthly rental of not more than \$3,000 per month per vehicle or piece of equipment or machinery but not to exceed \$8,000 per month for all such vehicles and pieces of equipment made by or on behalf of any county commissions and the governing boards of municipalities of the state and the governing bodies of instrumentalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions shall be made, at the option of the said governing boards, bodies, instrumentalities and commissions, without regard to the provisions of this article.”

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 0.

Yeas:

Reps. Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore,

SECOND EXTRAORDINARY SESSION  
10th Day

131

Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—82

And the bill, S. 3 as thus amended, was read a third time at length and passed.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Tanner, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—85

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 77. COMMENDING SPIVER GORDON, EUTAW, ALABAMA,  
FOR HIS OUTSTANDING CIVIC CONTRIBUTIONS

ADJOURNMENT

On motion of Rep. Holley, the House adjourned until 9:30 o'clock a.m., Wednesday, January 9, 1985.

ELEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Wednesday, January 9, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Ralph Mims, Pastor, Harvest Baptist Church, Millbrook, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James) Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvaimeim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to carry over the introduction of bills and resolutions.

## BILLS ON THIRD READING

And the bill:

(With Amendments):

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees and penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that



actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 22, Section 1, page 4, beginning on line 5, by striking all of subsection (q).

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bugg, Buskey James, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L), and Zoghby.

—78

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 73. NAMING S. B. 33 OF THE SECOND SPECIAL SESSION, 1984, THE "BISHOP-COOLEY-JOHNSON ACT."

McDOWELL LEE,  
Secretary.

#### S. 22 RESUMED

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 22, page 4, immediately following line 10 by adding a new Section 2 and by renumbering remaining sections accordingly. New Section 2 to read as follows:

Section 2. Section 6-2-3 of the Code of Alabama is hereby amended to read as follows:

"S 6-2-3.

"In actions seeking relief on the ground of fraud where the statute has created a bar, the claim must not be considered as having accrued until the

discovery by the aggrieved party of the fact constituting the fraud, after which he must have ~~one~~ two years within which to prosecute his action."

And the amendment was adopted.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bugg, Buskey James, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Faulk, Ford, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—72

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend S. 22, page 3, by underlining line 8 in its entirety.

And the amendment was adopted.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Rains, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (L) and Zoghby.

—76

And the bill, S. 22 as thus amended, was read a third time at length and passed.

Yeas 71; Nays 15.

*Yeas:*

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey, James, Butler, Campbell, Carothers, Carter, Clark, (D), Clark, (J), Clark, (W), Coburn, Cosby, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson, (R.G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Perdue, Preuitt, Rains, Rice,

Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (L) and Zoghby.

—71

*Nays:*

Reps. Albright, Coleman, Faulk, Flowers, Hall, Harvey, Holley, McDowell, McKee, McMillan, Nicholson, Penry, Smith, Warren and White (F).

—15

And the bill:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25%

now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 78; Nays 23.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Davis, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lindsey, McDowell, McKee, McMillan, McNair, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Payne, Penry, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

*Nays:*

Reps. Black, Boles, Brakefield, Britnell, Buskey (James), Buskey (John), Clark (D), Coburn, Crow, Escott, Ford, Goodwin, Grayson, Harvey, Junkins, Lauderdale, Marietta, Nicholson, Parker, Perdue, Pratt, Rains and Trammell.

—23

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to wit:

H. J. R. 73. Naming S. B. 33 of the Second Special Session, 1984, The "Bishop-Cooley-Johnson Act."

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

### PERMISSION GRANTED

Permission was granted for the Journal to show that had Reps. Burke and Reed been in the Chamber at the time of voting, they would have voted "Yea" on the bill, S. 22.

### RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 78. CONGRATULATING MR. AND MRS. FRANK JEFFCOAT  
ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

### BILLS ON THIRD READING RESUMED

And the bill:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

Was read a third time at length and passed.

Yeas 100; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell,

Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—100

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace returning to you, the House from which it originated, House Bill #18 as substituted and amended, without the Governor's signature and approval but with the following suggested Executive Amendment.

DONE this 9th day of January, 1985.

Respectfully submitted,

ELVIN L. STANTON,  
Executive Secretary.

#### MESSAGE FROM THE GOVERNOR

To the Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated House Bill #18, as substituted and amended, without my signature and approval but with the following suggested Executive Amendment:

#### EXECUTIVE AMENDMENT TO H. B. 18

On page 2 of 2, line 7 add the following to Section 1:

"Each contract shall be approved by both the State Finance Director and the Governor. The distribution of the state's share of the recovery or salvage shall be as follows:

a. All archaeological treasure and artifacts shall be placed in the custody and control of the Alabama Historical Commission.

b. All monetary proceeds from the sale of any recovered or salvaged archaeological treasure or artifacts including but not limited to gold, silver or other precious metal shall be deposited with the State Treasurer to the credit of the State General Fund."

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done this 9th day of January, 1985.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Johnson (Roy), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 18, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 93; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—93

And the bill:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

As thus amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, deGraffenried, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Denton,

Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 57. MOURNING THE DEATH OF FORMER UNITED STATES SENATOR JOSEPH LISTER HILL OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Joseph Lister Hill of Montgomery, Alabama, on December 20, 1984, at the age of 89 years; and

WHEREAS, Joseph Lister Hill, born in Montgomery on December 29, 1894 to Doctor Luther Leonidas and Lilly Lyon Hill, was graduated from the Starke University in Montgomery whereupon he entered the University of Alabama at the age of 16, graduating Phi Beta Kappa in just four years with both the bachelor and law degrees; and

WHEREAS, he also graduated in law from New York's Columbia University and was subsequently awarded honorary LL.D. degrees from six colleges and universities, as well as the honorary Doctor of Science degree from both Hahnemann Medical College of Philadelphia and New York Medical College; and

WHEREAS, Lister Hill began law practice in Montgomery in 1916 and was elected President of the Montgomery Board of Education at the age of 22, the youngest school board president in the United States; he also served honorably and with distinction in the United States Army during World War I, resuming the practice of law following his military service; and

WHEREAS, in 1923, at the age of 27, Lister Hill was elected to the Congress from the Second Alabama District and was renominated and re-elected seven times without opposition, serving until he was appointed to a vacancy in the United States Senate in January 1938; he won election in April of 1938 and was re-elected four times before retiring in 1969; and

WHEREAS, he served as Majority Whip in the Senate during the 77th through the 79th Congresses, was a member and chairman of many important committees and was the author of such landmark legislation as the TVA Act, the Rural Telephone Act, the Vocational Education Act, the G. I. Bill of Rights for World War II and Korean Veterans and the Rural Library Services Act, among others, and was a co-author of the National Defense Education Act of 1958; and

WHEREAS, with major legislation to his credit in many areas, Senator Hill was best known as our country's foremost advocate of better health care and was sponsor or co-sponsor of more than a dozen bills or amendments relating to health care with the Hill-Burton Hospital Construction Act the most widely known; and

WHEREAS, Senator Lister Hill of Alabama was indeed one of our State's most prominent citizens; he was a distinguished statesman and an outstanding patriot whose accomplishment in Congress was his legacy to our nation, and we are truly proud that such a great American was first of all a great Alabamian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life and labors of Joseph Lister Hill of Alabama and extend



our very deepest sympathy to his family, whose sorrow and grief we share and for whom a copy of this resolution shall be provided.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 57, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong and Teague:

S. J. R. 56. COMMENDING TONY FONTAINE OF MONTGOMERY ON HIS DISTINGUISHED CAREER WITH SOUTH CENTRAL BELL.

WHEREAS, on December 31, 1984, Tony Fontaine retired from South Central Bell following a distinguished tenure of service which spanned a period of some 31 years; and

WHEREAS, during his outstanding career, Mr. Fontaine served with dedicated loyalty in a number of responsible positions with the utility, retiring as an equipment technician; and

WHEREAS, as Mr. Fontaine's employment responsibilities included numerous and regular Capitol assignments, it was our pleasure to come to know him personally and our friendship is one we value most highly; and

WHEREAS, in addition to his career, Mr. Fontaine also has long been dedicated in service to his community; he is a deacon at Highland Gardens Baptist Church and serves currently as president of the Blue-Gray Softball Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Tony Fontaine of Montgomery, Alabama, on his outstanding career with South Central Bell.

BE IT FURTHER RESOLVED, That we wish him every happiness and success in retirement and direct that he receive a copy of this resolution that he and his wife of 30 years, Mrs. Jean Fontaine, and their children, Mitford, Alta Lynn and Shannon, may know of sincere warm praise and personal regard.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 56, set out in the above and foregoing Message from the Senate.

## RESOLUTIONS

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 79. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, January 9, 1985, we adjourn sine die.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 79, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Grouby:

H. R. 80. HONORING MRS. JODY WELLING OF PRATTVILLE, ALABAMA 1984 VOLUNTEER OF THE YEAR.

Also:

By Rep. Browder:

H. R. 81. MOURNING THE DEATH OF JAMES H. DEMPSEY OF PIEDMONT, ALABAMA.

## PERMISSION GRANTED

Permission was granted for the Journal to show that had Reps. Pratt and Lindsey been in the Chamber at the time of voting, they would have voted "Yea" on the bill, S. 22.

## RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hooper:

H. R. 82. COMMENDING CHARLES SANFORD BLACKLEDGE, JR., AUGUST 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 83. COMMENDING JOHN CALVIN CASON, AUGUST 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 84. COMMENDING MICHAEL J. CROW, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 85. COMMENDING EARL LADON DANSBY, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 86. COMMENDING ARTHUR EDWARD ELSNER, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 87. COMMENDING DONALD EARL FAZEKAS, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 88. COMMENDING BLAKE ALAN GREEN, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 89. COMMENDING LYNN SENSABAUGH MERRILL, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 90. COMMENDING JANET ELIZABETH SCHROEDER, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 91. COMMENDING FRANCIS WILLIAM SPEAKS, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 92. COMMENDING SYDNEY ALBERT SMITH, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 93. COMMENDING DAVID HENLEY SMYTH, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 94. COMMENDING JOHN A. WEBSTER, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 95. COMMENDING DURWARD A. SMITH, AUGUST 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 96. COMMENDING VANCE NICHOLAS ABBETT, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 97. COMMENDING DAVID EUGENE BELSER, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 98. COMMENDING COMER S. COKER, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Rep. Hooper:

H. R. 99. COMMENDING NEVA CLAIRE CONWAY, DECEMBER 1984 GRADUATE OF THE JONES SCHOOL OF LAW, MONTGOMERY, ALABAMA.

Also:

By Reps. Kennedy and Campbell:

H. R. 100. COMMENDING MRS. VONNIE MARIE WARE OF ANNISTON, ALABAMA.

RECESS

On motion of Rep. Johnson (Roy), the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM GOVERNOR

To The Alabama Legislature  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace.

DONE this 9th day of January, 1985.

Respectfully submitted,  
ELVIN L. STANTON,  
Executive Secretary.

MESSAGE TO THE LEGISLATURE

To The Alabama Legislature  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

Please be advised that I do hereby call the Legislature of Alabama into extraordinary session on January 23, 1985 to consider matters which I deem to be of an urgent and emergency nature. I am advising you of this fact in advanced in order that you might arrange your individual personal and business schedules taking this contemplated special session into consideration. You are hereby formally notified that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of Government, State Capitol, Montgomery, Alabama at 4:00 p.m. on Wednesday, January 23, 1985. I appreciate your cooperation in this regard.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 19. MOURNING THE DEATH OF MR. T. Y. ROGERS OF COATOPA, SUMTER COUNTY, ALABAMA.

Also:

H. J. R. 20. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

H. J. R. 21. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM, 1984.

Also:

H. J. R. 22. MOURNING THE DEATH OF MARVIN GUY CARTER OF ATHENS, ALABAMA.

Also:

H. J. R. 24. HONORING DR. GEORGE H. SMITH FOR 40 YEARS OF DEDICATED SERVICE AS PASTOR OF THE SHILOH MISSIONARY BAPTIST CHURCH, TROY, ALABAMA, PIKE COUNTY.

Also:

H. J. R. 30. EXPRESSING LEGISLATIVE INTENT REGARDING THE LAW EXEMPTING CERTAIN DRUGS FROM TAXATION.

Also:

H. J. R. 35. COMMENDING PAUL AND JONATHEN WOODALL.

Also:

H. J. R. 36. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

Also:

H. J. R. 37. COMMENDING AND CONGRATULATING COACH BUSTER GROSS AND EMMA SANSOM HIGH SCHOOL OF GADSDEN, ALABAMA, OUR STATE 5A, 1984 FOOTBALL CHAMPIONS.

Also:

H. J. R. 38. NAMING COUNTY ROAD 11, IN DEKALB COUNTY, ALABAMA, WHICH INTERSECTS WITH CERTAIN PORTIONS OF COUNTY ROAD 46 AND COUNTY ROAD 58, THE "E. M. GALLOWAY COUNTY ROAD."

Also:

H. J. R. 50. MEMORIALIZING ALABAMA'S CONGRESSIONAL DELEGATION TO RESIST EFFORTS BY PRESIDENT REAGAN AND HIS ADMINISTRATION TO REDUCE AND/OR ELIMINATE FUNDING FOR VARIOUS SOCIAL PROGRAMS AND OTHER BENEFITS.

Also:

H. J. R. 70. MOURNING THE DEATH OF PRENTICE H. POLK OF TUSKEGEE, ALABAMA.

Also:

H. J. R. 74. WELCOMING THE 3RD ANNUAL MUSIC AND PREACHING WORKSHOP TO BIRMINGHAM, ALABAMA.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 79. RELATIVE TO SINE DIE.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House.

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 18, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H., B. 18, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 34. URGING UNITED STATES NAVY TO LOCATE BATTLESHIP SURFACE ACTION GROUP IN MOBILE.

Also:

H. J. R. 55. URGING PRESIDENT REAGAN TO SUPPORT FULL FEDERAL FUNDING TO THE TENNESSEE VALLEY AUTHORITY'S NATIONAL FERTILIZER DEVELOPMENT CENTER.

Also:

H. J. R. 57. COMMENDING SIMON T. MADDEN.

Also:

H. J. R. 63. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT, JR., OPELIKA, ALABAMA.

Also:

H. J. R. 67. MOURNING THE DEATH OF JOHN WESLEY ROGERS, SR., OF FAIRFIELD, ALABAMA.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Also:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Covington:

S. J. R. 50. DESIGNATING A PORTION OF I-65 AS THE "HANK WILLIAMS MEMORIAL PARKWAY."



Also:

By Senators Little, Ellis, Dial, Corbett, Hand, deGraffenried, Bedford, Foshee, Langford, Horn, Strong, Bennett, Cooley, Cabaniss, Bishop, Teague, Menton, Dixon, and Barron:

S. J. R. 16. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 50 and S. J. R. 16, the titles of which are set out in the above and foregoing Message from the Senate.

### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Johnson (Roy), the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

McDOWELL LEE,  
Secretary.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious

prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to wit:

H. 23. To provide for graduated penalties for commercial shrimp trawling in closed waters of \$600.00 to \$900.00 for the first conviction, \$900.00 to \$1,200.00 for the second conviction and \$1,200.00 to \$1,500.00 for the third conviction during any two consecutive years. In addition, trawl or trawls used during each violation may be confiscated and upon conviction become the property of the department of conservation and natural resources.

H. J. R. 19. MOURNING THE DEATH OF MR. T. Y. ROGERS OF COATOPA, SUMTER COUNTY, ALABAMA

Also:

H. J. R. 20. HONORING ALABAMA'S CLASS 6A FOOTBALL CHAMPIONS, THE 1984 PRATTVILLE LIONS.

Also:

H. J. R. 21. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM, 1984.

Also:

H. J. R. 22. MOURNING THE DEATH OF MARVIN GUY CARTER OF ATHENS, ALABAMA.

Also:

H. J. R. 24. HONORING DR. GEORGE H. SMITH FOR 40 YEARS OF DEDICATED SERVICE AS PASTOR OF THE SHILOH MISSIONARY BAPTIST CHURCH, TROY, ALABAMA, PIKE COUNTY.

Also:

H. J. R. 30. EXPRESSING LEGISLATIVE INTENT REGARDING THE LAW EXEMPTING CERTAIN DRUGS FROM TAXATION.

Also:

H. J. R. 35. COMMENDING PAUL AND JONATHEN WOODALL.

Also:

H. J. R. 36. COMMENDING MR. CLARENCE A. BROOKS OF JEFFERSON COUNTY.

Also:

H. J. R. 37. COMMENDING AND CONGRATULATING COACH BUSTER GROSS AND EMMA SANSOM HIGH SCHOOL OF GADSDEN, ALABAMA, OUR STATE 5A, 1984 FOOTBALL CHAMPIONS.

Also:

H. J. R. 38. NAMING COUNTY ROAD 11, IN DEKALB COUNTY, ALABAMA, WHICH INTERSECTS WITH CERTAIN PORTIONS OF COUNTY ROAD 46 AND COUNTY ROAD 58, THE "E. M. GALLOWAY COUNTY ROAD."

Also:

H. J. R. 50. MEMORIALIZING ALABAMA'S CONGRESSIONAL DELEGATION TO RESIST EFFORTS BY PRESIDENT REAGAN AND HIS ADMINISTRATION TO REDUCE AND/OR ELIMINATE FUNDING FOR VARIOUS SOCIAL PROGRAMS AND OTHER BENEFITS.

Also:

H. J. R. 70. MOURNING THE DEATH OF PRENTICE H. POLK OF TUSKEGEE, ALABAMA.

Also:

H. J. R. 74. WELCOMING THE 3RD ANNUAL MUSIC AND PREACHING WORKSHOP TO BIRMINGHAM ALABAMA.

Also:

H. J. R. 79. RELATIVE TO ADJOURNMENT, SINE DIE.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to wit:

H. 21. To amend Section 26-5-12, Code of Alabama 1975, relating to settlement of accounts of guardians and wards final consent settlements, so as to provide for wards who have died through their personal representatives.

Also:

H. 24. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Also:

H. J. R. 34. URGING UNITED STATES NAVY TO LOCATE BATTLESHIP SURFACE ACTION GROUP IN MOBILE.

Also:

H. J. R. 55. URGING PRESIDENT REAGAN TO SUPPORT FULL FEDERAL FUNDING TO THE TENNESSEE VALLEY AUTHORITY'S NATIONAL FERTILIZER DEVELOPMENT CENTER.

Also:

H. J. R. 57. COMMENDING SIMON T. MADDEN

Also:

H. J. R. 63. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT, JR., OPELIKA, ALABAMA

Also:

H. J. R. 67. MOURNING THE DEATH OF JOHN WESLEY ROGERS, SR., OF FAIRFIELD, ALABAMA

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 18. To authorize the state to contract for the excavation of sunken ships lying within navigable waterways of the state.

And finds same correctly enrolled with Executive Amendment.

JIMMY CLARK,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 34. To authorize a payment to the Director of Industrial Relations from the Second Injury Trust Fund of not more than \$270,000 provided the Second Injury Trust Fund exceeds \$1,000,000 before June 30, 1986, for the purchase of computer equipment for use by the Workmen's Compensation Division of the Department of Industrial Relations.

Also:

S. 33. To amend various sections of Chapter 5, Title 25, Code of Alabama 1975, which relate to workman's compensation in Alabama, to limit civil actions by one employee against another employee of the same employer (co-employee suits), to state legislative findings, specifically to amend Section 25-5-1 of the Code of Alabama 1975, so as to provide that the inclusion of an employer's insurer within the definition of "employer" shall not provide the insurer with complete immunity from liability to an injured employee, or his dependents in the case of his death; to delete provisions in subsection (a) of Section 25-5-11 of the Code of Alabama 1975, excluding from the definition of "party other than the employer" an officer, director, agent, servant or employee of the same employer, or his personal representative, and any workers' compensation carrier of the employer, or any officer, director, agent, servant, or employee of such carrier, and any labor union, or any official or representative thereof making a safety inspection for the benefit of the employer or its employees; to amend Section 25-5-11 of the Code of Alabama 1975, to provide that an injured employee, or his dependents in the case of his death, may bring an action for damages against any workers' compensation insurance carrier of the employer or any person, firm, association, trust, fund, or corporation responsible for servicing and payment of worker's compensation claims for the employer, or any officer, director, agent, servant or employee of such carrier, person, firm, association, trust, fund or corporation or any labor union, or any official or representative thereof, or any officer, director, agent, servant or employee of the same employer, or his personal representative, or a company or its employees making a safety inspection for a self-insured employer, only for willful conduct which results in or proximately causes injury or death to the employee; to amend Section 25-5-51 of the Code of Alabama 1975, to delete as grounds for denial of compensation the employee's willful refusal or willful neglect of the employee or servant to perform a statutory duty or due to any other willful violation of the law by the employee or his willful breach of a reasonable rule or regulation of his employer of which rule or regulation the employee has knowledge; to amend Section 25-5-53 of the Code of Alabama 1975, to extend immunity from civil liability for all causes of action except those based upon willful conduct to any workers' compensation insurance carrier of the employer

or any officer, director, agent, servant or employee of such carrier and to any labor union or any official representative thereof, to any officer, director, agent, servant or employee of the same employer or his personal representative and to any company or its employees making a safety inspection for a self-insured employer; to amend Section 25-5-57 of the Code of Alabama 1975, to provide that benefits for temporary total disability shall not be limited to 300 weeks but shall be paid during such disability until it terminates or becomes permanent; to amend Section 25-5-68 of the Code of Alabama 1975, to provide that, effective February 1, 1985, the minimum weekly benefit shall be 27-1/2 percent of the average weekly wage of the state from the 25% now provided by law, the maximum weekly benefit shall be 100 percent, rather than 66-2/3 percent, of the average weekly wage for the state of Alabama, but not more than, for permanent partial disability benefits, \$220 per week; to amend Section 25-5-77 of the Code of Alabama 1975, to delete the provision which establishes an employer's responsibility to pay for only the original artificial member for the injured employee; to provide that an employee dissatisfied with the first physician or surgeon selected by the employer may select a second physician or surgeon from a panel of four selected by the employer; to provide that an employee or employer may obtain records from any hospital, clinic or other facility at which an employee receives treatment for an injury received on the job; provide for the establishment of safety committees by certain employers and certain safety notices; to provide for a two year limitation period for claims or actions for compensation under Title 25, Chapter 5, Code of Alabama 1975; to prohibit the termination of an employee solely because the employee has instituted an action to recover worker's compensation benefits, or solely because the employee has filed a written notice of violation of a safety rule pursuant to Section 25-5-11 (c) (4) Code of Alabama 1975, as set out in Section 3 hereof; and to provide that the foregoing amendments and clarification are applicable to Articles 4, 5, 6 and 7 of Chapter 5 of Title 25 of the Code of Alabama 1975.

Also:

S. 3. To amend Section 41-16-52, Code of Alabama, 1975, as amended, which relates to competitive bidding and the expenditure of public funds, so as to provide that certain expenditures for repair, repair parts or lease of heavy duty off-highway construction equipment and all vehicles with a Gross Vehicle Weight Rating of 25,000 pounds or greater, may be made without the requirement of competitive bids being taken.

Also:

S. J. R. 56. COMMENDING TONY FONTAINE OF MONTGOMERY ON HIS DISTINGUISHED CAREER WITH SOUTH CENTRAL BELL.

Also:

S. J. R. 57. MOURNING THE DEATH OF FORMER UNITED STATES SENATOR JOSEPH LISTER HILL OF MONTGOMERY, ALABAMA.

Also:

S. 22. To repeal Section 6-2-39 of the Code of Alabama and to amend Section 6-2-38 of the Code of Alabama to provide that actions for malicious prosecution, that actions for seduction, that actions qui tam or for a penalty given by statute to the party aggrieved, unless the statute imposing it prescribes a different limitation, that actions of libel or slander, that actions

for any injury to the person or rights of another not arising from contract and not specifically enumerated in this section, that all actions for the recovery of wages, overtime, damages, fees or penalties accruing under laws respecting the payment of wages, overtime, damages, fees and penalties, that actions commenced under Section 6-5-411 of the Code of Alabama and that actions commenced to recover damages for injury to the person or property of another wherein a principal or master is sought to be held liable for the act or conduct of his agent, servant or employee, all must be commenced within two years, rather than the one year now prescribed by law.

Also:

S. J. R. 50. DESIGNATING A PORTION OF I-65 AS THE "HANK WILLIAMS MEMORIAL PARKWAY"

Also:

S. J. R. 16. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE TEXTILE/APPAREL INDUSTRY.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:40 A.M. on January 9, 1985.

H. 12

H. 14

H. J. R. 73

Delivered to the Governor at 2:45 P.M. on January 9, 1985.

H. 23

H. J. R. 19

H. J. R. 20

H. J. R. 21

H. J. R. 22

H. J. R. 24

H. J. R. 30

H. J. R. 35

H. J. R. 36

H. J. R. 37

H. J. R. 38

H. J. R. 50

H. J. R. 70

H. J. R. 74

H. J. R. 79

H. 21

H. 24

H. J. R. 34

H. J. R. 55

H. J. R. 57

H. J. R. 63

H. J. R. 67

H. 18 (Ex. Amdt.)

JOHN W. PEMBERTON,  
Clerk.

#### ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. J. R. 79, heretofore adopted, the House adjourned sine die at 12:08 o'clock p.m.

JOHN W. PEMBERTON,  
Clerk of the House of Representatives  
of the Legislature of Alabama,  
Second Extraordinary Session, 1984.



**HOUSE OF REPRESENTATIVES**  
**SECOND EXTRAORDINARY SESSION 1984-1985**  
**ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 83	Perry O. Hooper, Jr., 73
Robert E. Albright, 21	Ron G. Johnson, 33
Spencer Bachus, 46	Roy Johnson, 63
John P. Beasley, 85	Bobby M. Junkins, 30
Greg Beers, 48	Yvonne Kennedy, 103
Jack Biddle, III, 43	Ken Kvalheim, 101
Lucius Black, Sr., 67	Richard Laird, 37
A. J. Blake, 42	Jack B. Lauderdale, 17
Harrell Blakeney, 66	Richard J. Lindsey, 39
Hugh Boles, 50	Bobbie G. McDowell, 56
W. C. "Bill" Bowling, 12	Bob McKee, 74
Mike Box, 96	Stephen A. McMillan, 95
Carl C. Brakefield, 14	Chris McNair, 57
Charlie Britnell, 18	Beth Marietta, 104
Morris J. "Mo" Brooks, Jr., 10	Charles B. Martin, 8
Glen Browder, 34	Nathan Mathis, 87
Jenkins Bryant, 68	Bryant Melton, Jr., 61
June Bugg, 29	Mike Mikell, 76
Ralph Burke, 24	Earl Mitchell, 15
James E. Buskey, 99	Sonny Moore, 41
John L. Buskey, 77	Max Newman, 16
Tom Butler, 6	Tom Nicholson, 13
James M. Campbell, 36	Michael Onderdonk, 65
Joe Carothers, 86	Paul Parker, 9
Tommy Carter, 5	Arthur Payne, 44
Denzel L. Clark, 4	Walter E. Penry, 94
James S. Clark, 84	George Perdue, 54
William Clark, 98	Phil Poole, 62
Tom Coburn, 2	Jack Pratt, 49
Loyd Coleman, 25	Jim Preuitt, 32
W. F. "Noopie" Cosby, Jr., 70	T. Euclid Rains, Sr., 26
Bobby C. Crow, 35	Thomas Reed, 82
Pat Davis, 58	John Rice, 80
Tom Drake, 11	Ben T. Richardson, 23
Roger D. Dutton, 7	John W. Rogers, 52
Sundra E. Escott, 60	James G. Sasser, 88
Dwight Faulk, 90	George G. Seibels, Jr., 47
Steve Flowers, 89	Curtis Smith, 72
Joe Ford, 28	Lewis G. Spratt, 59
Bill Fuller, 38	Nelson R. Starkey, 1
Victor Gaston, 100	John Starr, Jr., 75
J. W. "Joe" Goodwin, 3	John F. Tanner, 40
Billy Gray, 45	James Louis Thomas, 69
George Grayson, 19	Hoyt W. Trammell, 51
E. A. Grouby, Jr., 71	J. E. Turner, 102
Albert Hall, 22	Pete Turnham, 79
Seth Hammett, 92	Jack B. Venable, 31
Taylor Harper, 105	J. E. "Jimmy" Warren, 64
Bob Harvey, 27	Frank P. White, 64
Steve Hettinger, 20	Gary White, 55
Jimmy W. Holley, 91	Lester White, 81
Alvin Holmes, 78	Mary S. Zoghby, 97

# ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

## 1984-1985

### SECOND EXTRAORDINARY SESSION

#### OFFICERS

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON

~~Speaker Pro-Tem, Tuscaloosa~~

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, Administrative Assistant to the Clerk

Lois F. Allen, Chief Clerk

#### MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr. ....	301 N. Pine St., Florence 35630
2	COLBERT	Tom Coburn .....	1107 East 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark .....	Route 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter .....	Route 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler .....	1803 Forney Drive, Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton .....	R. R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin .....	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker .....	303 North Douglas St., Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr. ....	9009 Randall Road Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake .....	P. O. Box 1165, Cullman 35055

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 12 CULLMAN  
Bill Bowling ..... Route 2, Box 349, Hanceville 35077
- 13 WALKER  
Tom Nicholson ..... P. O. Box 248, Jasper 35501
- 14 TUSCALOOSA, WALKER  
Carl C. Brakefield ..... P. O. Box G, Carbon Hill 35549
- 15 PICKENS, TUSCALOOSA  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 16 FAYETTE, LAMAR, MARION  
Max Newman ..... P. O. Box 428, Millport 35576
- 17 MARION, WINSTON  
Jack B. Lauderdale ..... Route 1, Box 238, Hamilton 35570
- 18 FRANKLIN, MARION  
Charlie Britnell ..... Route 2, Box 376, Russellville 35653
- 19 MADISON  
George Grayson ..... P. O. Box 38, Normal 35762
- 20 MADISON  
Steve Hettinger ..... 100 Calhoun St., Huntsville 35801
- 21 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., Huntsville 35811
- 22 JACKSON, MADISON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Ben T. Richardson ..... P. O. Box 1017, Scottsboro 35768
- 24 DEKALB  
Ralph Burke ..... P. O. Box 876, Fort Payne 35967
- 25 MARSHALL  
Lloyd Coleman ..... P. O. Box 67, Arab 35016
- 26 DEKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 27 BLOUNT  
Bob Harvey ..... Route 4, Box 708, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... Gadsden State Junior College  
George Wallace Dr., Gadsden 35901
- 29 ETOWAH  
June Bugg ..... 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR  
Bobby M. Junkins ..... 254 College St., Gadsden 35901
- 31 COOSA, ELMORE  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 32 TALLADEGA  
Jim Preuitt ..... P. O. Box 1063, Talladega 35160
- 33 TALLADEGA  
Ron G. Johnson ..... Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN  
Glen Browder ..... Route 2, Box 316, Jacksonville 36265
- 35 CALHOUN  
~~Bobby C. Crow ..... Route 10, Box 842, Anniston 36601~~
- 36 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36302
- 37 CHAMBERS, RANDOLPH, CLAY  
Richard Laird ..... 46 Randolph Plaza, Roanoke 36274
- 38 CHAMBERS  
Bill Fuller ..... 118 South LaFayette St., LaFayette 36062
- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard J. Lindsey ..... Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
John F. Tanner ..... P. O. Box 37, Pelham 35214
- 41 SHELBY  
Sonny Moore ..... P. O. Box 44, Sterrett 35147
- 42 ST. CLAIR  
A. J. Blake ..... Route 1, Box 206A, Pell City 35125
- 43 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 44 JEFFERSON  
Arthur Payne ..... 2825 2nd Street, N. W., Birmingham 35215
- 45 JEFFERSON  
Billy Gray ..... 704 Lance Blvd., Birmingham 35206
- 46 JEFFERSON  
Spencer Bachus ..... 1122 22nd St., North, Birmingham 35234
- 47 JEFFERSON  
George G. Seibels, Jr. .... 4016 10th Avenue South  
Birmingham 35222
- 48 JEFFERSON  
Greg Beers ..... 1504 Verdure Circle, Birmingham 35266
- 49 JEFFERSON  
Jack Pratt ..... 5424 Wesley Drive, Midfield 35228
- 50 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020
- 51 JEFFERSON  
Hoyt W. Trammell ..... Route 15, Box 247, Birmingham 35224

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 52 **JEFFERSON**  
John W. Rogers ..... 1424 18th St., S. W., Birmingham 35211
- 53
- 54 **JEFFERSON**  
George Perdue ..... P. O. Box 2473, Birmingham 35201
- 55 **JEFFERSON**  
Gary White ..... 2826 S. 18th St., Homewood 35209
- 56 **JEFFERSON**  
Bobbie G. McDowell ..... 2322 Dartmouth, Bessemer 35020
- 57 **JEFFERSON**  
Chris McNair ..... Route 4, Box 388, Bessemer 35020
- 58 **JEFFERSON**  
Pat Davis ..... 9312 Sears Drive, Birmingham 35206
- 59 **JEFFERSON**  
Lewis G. Spratt ..... 3809 4th St. W., Birmingham 35207
- 60 **JEFFERSON**  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 61 **TUSCALOOSA**  
Bryant Melton, Jr. .... 4129 20th Street, Tuscaloosa 35401
- 62 **TUSCALOOSA**  
Phil Poole ..... P. O. Box 609, Moundville 35474
- 63 **TUSCALOOSA**  
Roy Johnson ..... Route 4, Box 140, Tuscaloosa 35405
- 64 **CONECUH, MONROE**  
J. E. (Jimmy) Warren ..... P. O. Box 207, Castleberry 36432
- 65 **CLARKE, WASHINGTON**  
Michael Onderdonk ..... P. O. Drawer 130, Chatom 36518
- 66 **CHOCTAW, CLARKE, MARENGO**  
Harrell Blakeney ..... 1101 Old Hwy. 5, So., Thomasville 36784
- 67 **CHOCTAW, GREENE, SUMTER**  
Lucius Black ..... P. O. Box 284, York 36925
- 68 **DALLAS, PERRY, HALE**  
Jenkins Bryant, Jr. .... Route 1, Box 126, Newbern 36765
- 69 **DALLAS, LOWNDES, WILCOX**  
James Louis Thomas ..... Route 2, Box 509, Hayneville 36040
- 70 **DALLIS**  
W. F. "Noopie" Cosby, Jr. .... 1107 Dallas Ave. Selma 36701
- 71 **AUTAUGA, CHILTON**  
Ed Grouby ..... P. O. Box 188, Prattville 36067

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 72 **BIBB, CHILTON**  
Curtis Smith ..... P. O. Drawer 69, Clanton 35045
- 73 **MONTGOMERY**  
Perry O. Hooper, Jr. .... 509 S. Court St., Montgomery 36104
- 74 **MONTGOMERY**  
Bob McKee ..... P. O. Box 424, Montgomery 36101
- 75 **MONTGOMERY**  
~~John Starr, Jr. .... 2761 Forsyth Lane, Montgomery 36116~~
- 76 **ELMORE, MONTGOMERY**  
Mike Mikell ..... P. O. Box 993, Millbrook 36054
- 77 **MONTGOMERY**  
John L. Buskey ..... P. O. Box 6216, Montgomery 36106
- 78 **MONTGOMERY**  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 79 **LEE**  
Pete Turnham ..... Box 1592, Auburn 36830
- 80 **LEE**  
John Rice ..... P. O. Box 2432, Opelika 36801
- 81 **TALLAPOOSA**  
Lester White ..... 739 Freeman Street, Dadeville 36853
- 82 **BULLOCK, MACON**  
Thomas Reed ..... P. O. Drawer EE, Tuskegee Institute 36088
- 83 **RUSSELL**  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 84 **BARBOUR, RUSSELL**  
James S. (Jimmy) Clark ..... P. O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**  
John P. Beasley ..... P. O. Drawer M., Columbia 36319
- 86 **HOUSTON**  
Joe Carothers, Jr. .... Route 8, Box 33, Dothan 36301
- 87 **GENEVA, HOUSTON**  
Nathan Mathis ..... Route 1, Newton 36352
- 88 **DALE**  
James G. Sasser ..... P. O. Box 1279, Ozark 36361
- 89 **PIKE, DALE**  
Steve Flowers ..... P. O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**  
Dwight Faulk ..... Route 2, Box 90, Honoraville 36042
- 91 **COFFEE**  
Jimmy W. Holley ..... Route 3, Box 191E, Elba 36323

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 92 COVINGTON  
Seth Hammett ..... P. O. Drawer 1607, Andalusia 36420
- 93 ESCAMBIA  
Frank P. "Skippy" White .... Rt. 1, Box 193-Pollard Flomaton 36441
- 94 BALDWIN  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
- 95 BALDWIN  
Steve McMillan ..... Box 337, Bay Minette 36507
- 96 MOBILE  
Mike Box ..... P. O. Box 216, Saraland 36571
- 97 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Drive, Mobile 36606
- 98 MOBILE  
William "Bill" Clark ..... 711 Atmore Ave., Pritchard 36612
- 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
Victor Gaston ..... 864 West Parkwood Drive, Mobile 36608
- 101 MOBILE  
Ken Kvalheim ..... 421 Dogwood Drive, Mobile 36609
- 102 MOBILE  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 103 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Avenue, Mobile 36603
- 104 MOBILE  
Beth Marietta ..... 204 S. Cedar Street, Mobile 36602
- 105 MOBILE  
Taylor Harper ..... P. O. Box 229, Grand Bay 36541

**LEGISLATIVE DAYS**  
**SECOND EXTRAORDINARY SESSION 1984-1985**

<i>Legislative Days—Calendar Days</i>	<i>Page</i>
FIRST DAY—Monday, December 17 .....	3
SECOND DAY—Tuesday, December 18 .....	22
THIRD DAY—Wednesday, December 19 .....	33
FOURTH DAY—Thursday, December 20 .....	84
FIFTH DAY—Thursday, January 3 .....	94
SIXTH DAY—Friday, January 4 .....	95
SEVENTH DAY—Saturday, January 5 .....	108
EIGHTH DAY—Sunday, January 6 .....	113
NINTH DAY—Monday, January 7 .....	118
TENTH DAY—Tuesday, January 8 .....	125
ELEVENTH DAY—Wednesday, January 9 .....	131



**HOUSE BILLS NUMERICALLY****SECOND EXTRAORDINARY SESSION 1984-1985**

- H. 1—p. 5, 23, 41, 42, 59, 61, 64, 68
- H. 2—p. 7, 24, 70
- H. 3—p. 7
- H. 4—p. 7
- H. 5—p. 7, 26, 80, 87, 91, 92, 93
- H. 6—p. 7
- H. 7—p. 7
- H. 8—p. 8
- H. 9—p. 8, 25, 39, 102, 104, 106, Act No. 85-47
- H. 10—p. 8
- H. 11—p. 8, 25, 73, 102, 105, Act. No. 85-13
- H. 12—p. 8, 25, 73, 124, 126, 155, Act No. 85-51
- H. 13—p. 9
- H. 14—p. 9, 24, 71, 125, 126, 155, Act No. 85-52
- H. 15—p. 9
- H. 16—p. 9
- H. 17—p. 9
- H. 18—p. 9, 26, 79, 103, 105, 106, 138, 139, 147, 152, 156, Act No. 85-53
- H. 19—p. 10, 25, 76
- H. 20—p. 10
- H. 21—p. 10, 24, 72, 148, 151, 156, Act No. 85-49
- H. 22—p. 10, 25, 39, 103, 105, 106, Act No. 85-46
- H. 23—p. 10, 25, 76, 77, 82, 147, 150, Act No. 85-50
- H. 24—p. 10, 25, 78, 148, 152, 156, Act No. 85-48
- H. 25—p. 10, 26, 78
- H. 26—p. 11, 26, 79, 103, 105, 106, Act No. 85-44
- H. 27—p. 11, 25, 74
- H. 28—p. 11, 24, 71, 103, 105, 106, Act No. 85-45
- H. 29—p. 27, 34
- H. 30—p. 28

## HOUSE RESOLUTIONS NUMERICALLY

### SECOND EXTRAORDINARY SESSION 1984-1985

HR	1—p. 4
HJR	2—p. 5, 27, 35, 83, Act No. 85-1
HJR	3—p. 14, 26, 35, 83, Act No. 85-2
HJR	4—p. 14, 26, 35, 83, Act No. 85-3
HJR	5—p. 15, 61, 61, 83, Act No. 85-11
HJR	6—p. 16, 26, 35, 83, Act No. 85-4
HJR	7—p. 17
<del>HR</del>	<del>8—p. 18</del>
HJR	9—p. 18, 26, 36, 83, Act No. 85-5
HR	10—p. 18
HR	11—p. 18
HR	12—p. 19
HR	13—p. 19
HJR	14—p. 19, 27, 36, 83, Act No. 85-6
HJR	15—p. 19, 20, 27, 36, 83
HJR	16—p. 20, 27, 36, 83, Act No. 85-8
HJR	17—p. 21, 27, 36, 83, Act No. 85-9
HJR	18—p. 28, 60, 60, 83, Act No. 85-10
HJR	19—p. 29, 145, 150, 155, Act No. 85-68
HJR	20—p. 29, 146, 150, 155, Act No. 85-69
HJR	21—p. 30, 146, 150, 155, Act No. 85-70
HJR	22—p. 31, 146, 150, 155, Act No. 85-71
HR	23—p. 32
HJR	24—p. 32, 146, 150, 155, Act No. 85-59
HR	25—p. 34
HR	26—p. 34
HR	27—p. 34
HR	28—p. 34
HR	29—p. 34
HJR	30—p. 39, 146, 150, 155, Act No. 85-60
HR	31—p. 61
HR	32—p. 61
HR	33—p. 64
HJR	34—p. 69, 148, 152, 156, Act No. 85-72
HJR	35—p. 74, 146, 150, 156, Act No. 85-61
HJR	36—p. 74, 146, 151, 156, Act No. 85-62
HJR	37—p. 75, 146, 151, 156, Act No. 85-63
HJR	38—p. 78, 146, 151, 156, Act No. 85-64
HR	39—p. 84
HR	40—p. 85
HJR	41—p. 88, 102, 105, 106, Act No. 85-20
HR	42—p. 88
HR	43—p. 88
HR	44—p. 89
HR	45—p. 92
HJR	46—p. 96, 102, 105, 106, Act No. 85-21
HR	47—p. 97
HJR	48—p. 97, 102, 105, 106, Act No. 85-22
HJR	49—p. 98, 102, 105, 106, Act No. 85-23
HJR	50—p. 98, 146, 151, 156, Act No. 85-65
HR	51—p. 99

## HOUSE RESOLUTIONS NUMERICALLY (Continued)

HJR	52—p.	99	
HR	53—p.	100	
HR	54—p.	103	
HJR	55—p.	109, 148, 152, 156,	Act No. 85-73
HR	56—p.	111	
HJR	57—p.	112, 148, 152, 156,	Act No. 85-74
HR	58—p.	114	
HR	59—p.	115	
HR	60—p.	115	
HR	61—p.	116	
HR	62—p.	116	
HJR	63—p.	116, 148, 152, 156,	Act No. 85-75
HR	64—p.	117	
HR	65—p.	117	
HR	66—p.	117	
HJR	67—p.	117, 148, 152, 156,	Act No. 85-76
HR	68—p.	118	
HR	69—p.	121	
HJR	70—p.	122, 146, 151, 156,	Act No. 85-66
HR	71—p.	125	
HR	72—p.	128	
HJR	73—p.	128, 133, 136, 155,	Act No. 85-77
HJR	74—p.	128, 147, 151, 156,	Act No. 85-58
HR	75—p.	129	
HR	76—p.	129	
HR	77—p.	131	
HR	78—p.	137	
HJR	79—p.	142, 147, 151, 156,	Act No. 85-67
HR	80—p.	142	
HR	81—p.	142	
HR	82—p.	142	
HR	83—p.	142	
HR	84—p.	143	
HR	85—p.	143	
HR	86—p.	143	
HR	87—p.	143	
HR	88—p.	143	
HR	89—p.	143	
HR	90—p.	143	
HR	91—p.	143	
HR	92—p.	144	
HR	93—p.	144	
HR	94—p.	144	
HR	95—p.	144	
HR	96—p.	144	
HR	97—p.	144	
HR	98—p.	144	
HR	99—p.	144	
HR	100—p.	145	

**SENATE BILLS NUMERICALLY**  
**SECOND EXTRAORDINARY SESSION 1984-1985**

- S. 2—p. 82, 96, 111, 114, Act No. 85-14
- S. 3—p. 106, 119, 122, 129, 131, 149, 154, Act No. 85-40
- S. 6—p. 81, 82, 96, 118, 121, Act No. 85-43
- S. 14—p. 80, 81
- S. 17—p. 81, 88
- S. 18—p. 81, 82, 96, 110, 114, Act No. 85-15
- S. 22—p. 82, 109, 132, 133, 134, 137, 149, 154, Act No. 85-39
- S. 33—p. 123, 124, 126, 135, 153, Act No. 85-41
- S. 34—p. 122, 123, 128, 137, 153, Act No. 85-42

**SENATE RESOLUTIONS NUMERICALLY**  
**SECOND EXTRAORDINARY SESSION 1984-1985**

SJR 2—p. 21, 40, Act No. 85-12  
SJR 3—p. 36, 100, Act No. 85-28  
SJR 4—p. 37, 101, Act No. 85-27  
SJR 8—p. 36, 101, Act No. 85-26  
SJR 9—p. 37, 101, Act No. 85-25  
SJR 10—p. 38, 101, Act No. 85-38  
SJR 16—p. 149, 155, Act No. 85-57  
SJR 17—p. 89, 103, Act No. 85-29  
SJR 18—p. 89, 103, Act No. 85-30  
SJR 19—p. 89, 103, Act No. 85-31  
SJR 20—p. 89, 104, Act No. 85-32  
SJR 21—p. 89, 104, Act No. 85-33  
SJR 31—p. 90, 104, Act No. 85-34  
SJR 32—p. 90, 104, Act No. 85-35  
SJR 33—p. 90, 104, Act No. 85-36  
SJR 34—p. 91, 104, Act No. 85-37  
SJR 35—p. 91, 104, Act No. 85-24  
SJR 43—p. 85, 86  
SJR 44—p. 112, 115, Act No. 85-19  
SJR 46—p. 112, 115, Act No. 85-18  
SJR 47—p. 112, 115, Act No. 85-17  
SJR 49—p. 112, 115, Act No. 85-16  
SJR 50—p. 148, 155, Act No. 85-56  
SJR 56—p. 141, 154, Act No. 85-54  
SJR 57—p. 140, 154, Act No. 85-55

**INDEX TO  
SECOND EXTRAORDINARY SESSION, 1984-1985**

**ABBETT, VANCE NICHOLAS**

Commended—

HR 96, page 144

**ACTS AMENDED, GENERAL ACTS**

1983 acts, act 83-838, third special session, prisoners, supervised intensive  
restitution program, certain inmates ineligible—  
SR 6, pages 81, 82, 96, 118, 121, Act No. 85-43

**ACTS AND JOURNALS**

Number of copies printed and delivered, reduced—

HB 19, pages 10, 25, 76

Acts of Alabama, 1983, third, and fourth special sessions and 1984  
regular session and first special session, codified—

HB 28, pages 11, 24, 71, 103, 105, 106, Act No. 85-45

**AD VALOREM TAX**

Aged and disabled, exemption, annual application not required—

HB 6, page 7

**ADJOURNMENT**

HJR 16, pages 20, 27, 36, 83, Act No. 85-8

HJR 79, pages 142, 147, 151, 156, Act No. 85-67

SJR 43, pages 85, 86

**AGED**

Ad valorem tax exemption, annual application not required—

HB 6, page 7

**AGRIBUSINESS**

Beef promotion, assessment of fees, procedure altered—

HB 12, pages 8, 25, 73, 124, 155, Act No. 85-51

**AGRICULTURE AND INDUSTRIES DEPARTMENT**

“Agricultural facility” defined to mean those properties utilized in agri-  
business industries—

HB 27, pages 11, 25, 74

**APPROPRIATIONS**

Louisiana, Mississippi, Alabama rapid rail transit commission, condi-  
tional, provided—

HB 20, page 10

Mobile bay channel, certain portion of oil and gas revenues, provided—

HB 3, page 7

**BARNES, ED RILEY**

Death mourned—

HR 60, page 115

BARR, MR. AND MRS. ATLAS

Congratulated—  
HR 23, page 32

BELSER, DAVID EUGENE

Commended—  
HR 97, page 144

BISHOP, CHARLES

Bishop-Cooley-Johnson bill, named—  
HJR 73, pages 128, 133, 136, 155, Act No. 85-77

BLACK, E. S.

Commended—  
HR 61, page 116

BLACKLEDGE, CHARLES SANFORD

Commended—  
HR 82, page 142

BOBO, BARBARA

Commended—  
SJR 19, pages 89, 103, Act No. 85-31

BROOKS, CLARENCE A.

COMMENDED—  
HJR 36 pages 74, 146, 151, 156, Act No. 85-62  
HR 54, page 103

BUSINESS AND COMMERCE

Co-employees lawsuits, prohibited unless for willful misconduct, workmen's compensation benefits and benefit period increased, physician selection regulated, safety notice, statements of limits altered—  
HB 1, pages 5, 23, 41, 42, 59, 61, 64, 68  
SB 33, pages 123, 124, 126, 135, 153, Act No. 85-41

Textile/apparel industry jobs, congress and president memorialized, regarding—  
HJR 15, pages 19, 20, 27, 36, 83

CARTER, MARVIN GUY

Death mourned—  
HJR 22, pages 31, 146, 150, 155, Act No. 85-71

CASON, JOHN CALVIN

Commended—  
HR 83, page 142

CATTLE INDUSTRY

Promotion, constitutional amendment providing for legislation to enact laws for fees and assessments of—  
HB 11, pages 8, 25, 73, 102, 105, Act No. 85-13

## CAVANAUGH, CAROLINE S.

Death mourned—

SJR 2, pages 21, 40, Act No. 85-12

## CHAPMAN, MR. AND MRS. SAM JACKSON

Commended—

HR 32, page 61

## CIVIL DEFENSE

Office of emergency management, includes man-made, natural or technological disasters, for purpose of continuing state government—

HB 4, page 7

## CIVIL PROCEDURE

Co-employee law suits, prohibited unless for willful misconduct, workmen's compensation benefits and benefit period increased, physician selection regulated, safety notice, statements of limits altered—

HB 1, pages 5, 23, 41, 42, 59, 61, 64, 68

SB 33, pages 123, 124, 126, 135, 153, Act No. 85-41

Guardians and wards, personal representative authorized to make final consent settlement for ward who has died—

HB 21, pages 10, 24, 72, 148, 151, 156, Act No. 85-49

School personnel, immune from liability for certain communications regarding drugs—

HB 30, page 28

Small claims court, jurisdiction increased—

HB 14, pages 9, 24, 71, 125, 126, 155, Act No. 85-52

Statute of limitations in certain civil actions—

SB 22, pages 82, 109, 132, 134, 137, 149, 154, Act No. 85-39

## COBB, CHARLES

Commended—

HR 39, page 84

## COKER, COMER S.

COMMENDED—

HR 98, page 144

## CODE OF ALABAMA 1975, AMENDED

Chapter 9, title 31, office of emergency management—

HB 4, page 7

Section 2-3A-2, agricultural facilities, defined—

HB 27, pages 11, 25, 74

Section 2-8-10, beef promotion, assessment of fees, altered—

HB 12, pages 8, 25, 73, 124, 126, 155

Section 6-2-39, statute of limitations in certain civil actions—

SB 22, pages 82, 109, 132, 133, 134, 137, 149, 154, Act No. 85-39



## CODE OF ALABAMA 1975, AMENDED (Continued)

- Section 12-12-31, small claims court, jurisdiction increased—  
HB 14, pages 9, 24, 71, 125, 126, 155, Act No. 85-52
- Section 13A-14-2, sunshine law, expanded—  
HB 5, pages 26j, 80, 87, 91, 92, 93
- Section 15-3-5, crimes, certain types of, statute of limitations removed—  
HB 2, pages 7, 24, 70  
SB 2, pages 82, 96, 111, 114, Act No. 85-14
- Section 16-8-25, teachers, full time, vacation regulated—  
HB 7, page 7
- Section 16-36-2, state textbook committee, teacher representation, increased—  
HB 8, page 8
- Sections 22-22A-5, 22-22A-7 and 22-22A-11, environmental management department, additional powers—  
HB 29, pages 27, 34
- Sections 25-5-1, 25-5-11, 25-5-53, 25-5-57, 25-5-68, 25-5-77 and 25-5-80, co-employees lawsuits, regulated—  
HB 1, pages 5, 23, 41, 42, 59, 61, 64, 68  
SB 33, pages 123, 124, 126, 135, 153, Act No. 85-41
- Section 26-5-12, guardians and wards, final settlement, authorized—  
HB 21 pages, 10, 24, 72, 148, 151, 156, Act No. 85-49
- Sections 40-12-240 and 40-12-242, recreational vehicles, license tax and fees, authorized—  
HB 10, page 8
- Section 40-17-174, marine fuel dealers, certain sales tax exemption—  
HB 13, page 9
- Section 41-4-150, acts and journals, number of copies printed and distributed, reduced—  
HB 19, pages 10, 25, 76
- Section 41-16-52, competitive bids, highway construction equipment, exemption limit—  
HB 25, pages 10, 26, 78

## CODE OF ALABAMA 1975, REPEALED

- Section 6-2-39, statute of limitations in certain civil actions—  
SB 22, pages 82, 109, 132, 133, 134, 137, 149, 154, Act No. 85-39

## CO-EMPLOYEES' LAWSUITS

- Prohibited unless for willful conduct, workmen's compensation benefits and benefit period increased physician selection regulated, safety notice, statement of limits altered—  
HB 1, pages 5, 23, 41, 42, 59, 61, 64, 68  
SB 33, pages 123, 124, 126, 135, 153, Act No. 85-41

## COMMUNICATIONS

- School personnel, drugs, immune from liability for certain—  
HB 30, page 28

## CONSTITUTION OF ALABAMA, 1901, AMENDED

Cattle industry promotion, fees and assessments—

HB 11, pages 8, 25, 73, 102, 105, 106, Act No. 85-13

Public employees and officials, legislation raising salaries prohibited  
without resolution from governing body—

HB 16, page 9

HB 17, page 9

## CONTRACTS

~~Highway construction equipment, competitive bids, exemption limits~~

HB 25, pages 10, 26, 78

## CONWAY, NEVA CLAIRE

Commended—

HR 99, page 144

## COOLEY, STEVE

Bishop-Cooley-Johnson bill, named—

HJR 73, pages 128, 133, 136, 155, Act No. 85-77

## COUNTIES

Escambia, voter reidentification—

SB 14, pages 80, 81

Lee, child care facilities, regulated—

HB 9, pages 8, 25, 39, 102, 104, 106, Act No. 85-47

Montgomery, board of equalization, additional expense allowance—

HB 22, pages 10, 25, 39, 103, 105, 106, Act No. 85-46

SB 17, pages 81, 88

## COUNTY OFFICERS AND EMPLOYEES

Salary increases, legislature prohibited from passing without resolution  
from county governing bodies—

HB 16, page 9

HB 17, page 9

## CRIMES AND OFFENSES

School personnel, immune from liability for certain communications  
regarding drugs—

HB 30, page 28

Statute of limitations, certain crimes, increased—

SB 2, pages 82, 96, 111, 114, Act No. 85-14

Statute of limitations, certain crimes, removed—

HB 2, pages 7, 24, 70

## CRIMINAL PROCEDURE

Supervised intensive restitution program, prisoners, certain, ineligible—

SB 6, pages 81, 82, 96, 118, 121, Act No. 85-43

CROW, MICHAEL J.

Commended—  
HR 84, page 143

DALLAS FAIR ASSOCIATION

Tax exemption—  
HB 15, page 9

DANSBY, EARL LADON

Commended—  
HR 85, page 143

DISTRICT COURT

Small claims court, jurisdiction, increased—  
HB 14, pages 9, 24, 71, 125, 126, 155, Act No. 85-52

DRUGS

Personnel, school, immune from liability for certain communications  
regarding—  
HB 30, page 28

Sales tax exemption, legislative intent expressed—  
HJR 30, pages 39, 146, 150, 155, Act No. 85-60

DUGGAN, PAM

Commended—  
HR 40, page 85

EARLE, CHICK

Commended—  
SJR 3, pages 36, 100, Act No. 85-28

EDUCATION

Personnel, immune from liability for certain communications regarding  
drugs—  
HB 30, page 28

State textbook committee, classroom teacher representation, increased—  
HB 8, page 8

Teachers, full time, vacation regulated—  
HB 7, page 7

EDWARDS, JACK

Commended—  
SJR 34, pages 91, 104, Act No. 85-37

ELSNER, ARTHUR EDWARD

Commended—  
HR 86, page 143

EMMA SANSOM HIGH SCHOOL

Football team, commended—  
HJR 37, pages 75, 146, 151, 156, Act No. 85-63

## EMPLOYEES RETIREMENT SYSTEM

Surviving spouse, certain members may nominate person he desires for—  
HB 26, pages 11, 26, 79, 103, 105, 106, Act No. 85-44

## ENVIRONMENTAL MANAGEMENT DEPARTMENT

Civil penalties, authorized to seek—  
HB 29, pages 27, 34

## ESCAMBIA COUNTY

~~Voter reidentification—~~  
SB 14, pages 80, 81

## FARROW, TOM

Commended—  
HR 58, page 114

## FAZEKAS, DONALD EARL

Commended—  
HR 87, page 143

## FEDERAL FUNDS

U.S. congress requested to require not exceed estimated federal budget—  
HJR 52, page 99

## FISHERMEN, COMMERCIAL

Marine fuel dealers, tax for certain sales, exempt—  
HB 13, page 9

Shrimp trawling, confiscation of trawl or trawls—  
HB 23, pages 10, 25, 76, 77, 82, 147, 150, Act No. 85-50

## GALLOWAY, E. M., COUNTY ROAD

Named—  
HJR 38, pages 78, 146, 151, 156, Act No. 85-64

## GAME AND FISH

Oysters, non-commercial fishing defined, catch limit—  
HB 24, pages 10, 25, 78, 148, 152, 156, Act No. 85-48

## GLIDDENS, MR. AND MRS. ZEEK

Commended—  
HR 12, page 19

## GILMORE, CHRISTINA RENEE

Commended—  
HR 43, page 88

## GORDON, SPIVER

Commended—  
HR 77, page 131

## GOVERNOR

Legislature in session, committee to notify of—  
HJR 2, pages 5, 27, 35, 83, Act No. 85-1

## GREEN, BLAKE ALAN

Commended—  
HR 88, page 143

## GRIGGERS, MR. AND MRS. A. L.

Commended—  
HR 44, page 89

## GROSS, BUSTER

Commended—  
HJR 37, pages 75, 146, 151, 156, Act No. 85-63  
HJR 49, pages 98, 102, 105, 106, Act No. 85-23

## GUARDIAN AD LITEM

Personal representative of, authorized to make final consent settlement  
for ward who has died—  
HB 21, pages 10, 24, 72, 148, 151, 156, Act No. 85-49

## HALLER, WILLIAM NEITZ

Death mourned—  
HR 25, page 34

## HANDICAPPED

Ad valorem tax exemption, annual application for required—  
HB 6, page 7

## HARLESS, IRENE B.

Commended—  
HR 33, page 64

## HAYDEN, MAUDE EVELYN

Death mourned—  
HR 51, page 99

## HAYES, E. L.

Death mourned—  
HR 26, page 34

## HEAVY-DUTY EQUIPMENT

Repair expenditures, repair parts or lease of, with gross vehicle weight  
of 25,000 pounds or more, competitive bids not required—  
SB 3, pages 106, 119, 122, 129, 131, 149, 154, Act No. 85-40

## HIGHWAYS

Construction equipment, competitive bids, exempt—  
HB 25, pages 10, 26, 78

St. John, Finis, III, highway, Alabama 157, portion of, named—  
HJR 4, pages 14, 26, 35, 83, Act No. 85-3

## HILL, JOSEPH LISTER

Death mourned—

SJR 57, pages 140, 154, Act No. 85-55

## HISTORICAL COMMISSION

Sunken treasure, contracting for salvage of, authorized—

HB 18, pages 9, 26, 79, 104, 105, 106, 138, 139, 147, 152, 156, Act No. 85-23

## HOMEWOOD HIGH SCHOOL

~~Congratulated—~~

SJR 8, pages 36, 101, Act No. 85-26

## HOMEWOOD MIDDLE SCHOOL

Congratulated—

SJR 8, pages 36, 101, Act No. 85-26

## HOOPER, MR. AND MRS. PERRY

Commended—

HR 42, page 88

## INDUSTRIAL RELATIONS DEPARTMENT

Appropriation, supplemental and conditional for computers in workmen's compensation division—

SB 34, pages 122, 123, 128, 137, 153, Act No. 85-42

## INGRAM, MR. AND MRS. TRAVIS

Commended—

HR 11, page 18

## JELKS, GENE

Commended—

HJR 48, pages 97, 102, 106, 106, Act No. 85-22

## JOHNSON, ROY

Bishop-Cooley-Johnson bill, named—

HJR 73, pages 128, 133, 136, 155, Act No. 85-77

## KIWANIS INTERNATIONAL

Commended—

HR 59, page 115

## KNOWLTON, TODD

Commended—

SJR 18, pages 89, 103, Act No. 85-30

## LEE COUNTY

Child care facilities, regulated—

HB 9, pages 8, 25, 39, 102, 104, 106, Act No. 85-47

## LEE, CHARLES McDOWELL

Charles McDowell Lee natatorium, Troy state university, named—

SJR 31, pages 90, 104, Act No. 85-34

## LICENSES AND LICENSING

Oysters, non-commercial fishing, defined—

HB 24, pages 10, 25, 78, 148, 152, 156, Act No. 85-48

## LITTLE, TED

Commended—

SJR 44, pages 112, 115, Act No. 85-19

## LOUISIANA-MISSISSIPPI-ALABAMA RAPID TRANSIT

Appropriation, conditional, provided—

HB 20, page 10

## LOWERY, LILLIE AGNES MORRIS

Death mourned—

HR 27, page 34

## MADDEN, SIMON T.

Commended—

HJR 57, pages 112, 148, 152, 156, Act No. 85-74

## MALONE, WALLACE D., JR.

Wallace D. Malone, jr., art building, named—

SJR 32, pages 90, 104, Act No. 85-35

## MAPLESVILLE HIGH SCHOOL

Football team, commended—

HJR 41, pages 88, 102, 105, 106, Act No. 85-20

## MATHEWS, MR. AND MRS. FORREST LEE

Congratulated—

HR 31, page 61

## McINTYRE, SARAH FRANCES

Commended—

HR 72, page 128

## MERRILL, LYNN SENSABAUGH

Commended—

HR 89, page 143

## MINES AND MINING

Mine examiners, board of, composition of—

SB 18, pages 81, 82, 96, 110, 114, Act No. 85-15

## MOBILE BAY

Appropriation to deepen—

HB 3, page 7

Navy port, U.S. Navy to designate as—

HJR 34, pages 69, 148, 152, 156, Act No. 85-72

SJR 20, pages 89, 104, Act No. 85-32

## MOBLEY, MR. AND MRS. SIDNEY C.

Commended—

HR 13, page 19

## MONEY, JOE JOHN

Death mourned—

SJR 47, pages 112, 115, Act No. 85-17

## MONTGOMERY COUNTY

Board of equalization, additional expense allowance—

HB 22, pages 10, 25, 39, 103, 105, 106, Act No. 85-46

~~SB 17, pages 81, 88~~

## MOTOR VEHICLES

Recreational vehicles, license tax and fees authorized—

HB 10, page 8

## MUNICIPALITIES

Public officers and employees, salary increases, legislature prohibited from authorizing without resolution from local governing body—

HB 16, page 9

## NOTICE IN WRITING

Budget isolation, joint rule added (HJR 18)—

page 5

## OATH OF OFFICE

John T. Beasley—

page 4

## OFFICE OF EMERGENCY MANAGEMENT

Disasters, man-made, natural or technological—

HB 4, page 7

## OIL AND GAS

Revenues, portion of, appropriated to deepen Mobile bay—

HB 3, page 7

## PATTERSON, CLARK JOHN

Commended—

HR 65, page 117

## PEARSON, LEON

Death mourned—

HR 71, page 125

## POLK, P. H.

Death mourned—

HJR 70, pages 122, 146, 151, 156, Act No. 85-66

## PRATT, DR. EVELYN

Commended—

HJR 7, page 17

HR 8, page 18



## PRATTVILLE HIGH SCHOOL

Football team, commended—

HJR 20, pages 29, 146, 150, 155, Act No. 85-69

HR 56, page 111

SJR 33, pages 90, 104, Act No. 85-36

## PRICE, MARVIN

Death mourned—

SJR 17, pages 89, 103, Act No. 85-29

## PRINTING

Acts and journals, number of copies reduced—

HB 19, pages 10, 25, 76

## PRISONS AND PRISONERS

Supervised intensive restitution program, certain, ineligible—

SB 6, pages 81, 82, 96, 118, 121, Act No. 85-43

## PRITCHARD, JAMES C.

Death mourned—

HR 76, page 129

## PROBATE COURT

Guardians and wards, personal representatives authorized to make final consent settlement for ward who has died—

HB 21, pages 10, 24, 72, 148, 151, 156, Act No. 85-49

## RAILROADS

Louisiana, Mississippi, Alabama rapid rail transit commission, appropriation—

HB 20, page 10

## REAGAN, RONALD

Textile/apparel industry jobs, memorialized regarding—

HJR 15, pages 19, 20, 27, 36, 83

SJR 16, pages 149, 155, Act. No. 85-57

TVA budget, proposed, memorialized regarding—

HJR 55, pages 109, 148, 152, 156, Act No. 85-73

## REAMS, RONALD DAVIS

Commended—

HJR 14, pages 19, 27, 36, 83, Act No. 85-6

## RECREATIONAL VEHICLES

License tax and fees, authorized—

HB 10, page 8

## REID, JOHN T.

Death mourned—

SJR 46, pages 112, 115, Act No. 85-18

## RESOLUTIONS, CONDOLENCE

Barnes, Ed Riley, death mourned—  
HR 60, page 115

Carter, Marvin Guy, death mourned—  
HJR 22, pages 31, 146, 150, 155, Act No. 85-71

Cavanaugh, Carolina S., death mourned—  
SJR 2, pages 21, 40, Act No. 85-12

Rogers, mr. T.Y., death mourned—  
HJR 19, pages 29, 145, 150, 155, Act No. 85-68

Haller, William Neitz, sr., death mourned—  
HR 25, page 34

Hayden, Maude Evelyn, death mourned—  
HR 51, page 99

Hayes, E.L., death mourned—  
HR 26, page 34

Hill, Joseph Lister, death mourned—  
SJR 57, pages 140, 154, Act No. 85-55

Lowery, Lillie Agnes Morris, death mourned—  
HR 27, page 34

Money, Joe John, death mourned—  
SJR 47, pages 112, 115, Act No. 85-17

Pearson, Leon, death mourned—  
HR 71, page 125

Polk, P.H., death mourned—  
HJR 70, pages 122, 146, 151, 156, Act No. 85-66

Price, Marvin, death mourned—  
SJR 17, pages 89, 103, Act No. 85-29

Pritchard, James C., death mourned—  
HR 76, page 129

Reid, John T., death mourned—  
SJR 46, pages 112, 115, Act No. 85-18

Roberson, James Paul, death mourned—  
HR 28, page 34

Rogers, John Wesley, sr., death mourned—  
HJR 67, pages 117, 148, 152, 156, Act No. 85-76

Scott, Isaac Judson, sr., death mourned—  
HJR 63, pages 116, 148, 152, 156, Act No. 85-75

St. John, Finis, III, death mourned—  
HJR 3, pages 14, 26, 35, 83, Act No. 85-2

Tucker, dr. Alex Lee, sr., death mourned—  
HR 75, page 129

## RESOLUTIONS, CONGRATULATORY

- Abbett, Vance Nicholas, commended—  
HR 96, page 144
- Barr, mr. and mrs. Atlas, congratulated—  
HR 23, page 32
- Belser, David Eugene, commended—  
HR 97, page 144
- Black, E.S., commended—  
HR 61, page 116
- Blackledge, Charles Sanford, jr.—  
HR 82, page 142
- Bobo, Barbara, commended—  
SJR 19, pages 89, 103, Act No. 85-31
- Boone, mr. and mrs. James Monroe, congratulated—  
HR 47, page 97
- Brooks, Clarence A., commended—  
HJR 36, pages 74, 146, 151, 156, Act No. 85-62  
HR 54, page 103
- Cason, John Calvin, commended—  
HR 83, page 142
- Chapman, mr. and mrs. Sam Jackson, commended—  
HR 32, page 61
- Cobb, Charles, commended—  
HR 32, page 61
- Coker, Comer S., commended—  
HR 98, page 144
- Conway, Neva Claire, commended—  
HR 99, page 144
- Crow, Michael J., commended—  
HR 84, page 143
- Dansby, Earl Ladon, commended—  
HR 85, page 143
- Duggan, Pam, commended—  
HR 40, page 85
- Earle, Coach Chick, commended—  
SJR 3, pages 36, 100, Act No. 85-28
- Edwards, Jack, commended—  
SJR 34, pages 91, 104, Act No. 85-37
- Elsner, Arthur Edward, commended—  
HR 86, page 143
- Emma Sansom high school football team, commended—  
HJR 37, pages 75, 146, 151, 156, Act No. 85-63

## RESOLUTIONS, CONGRATULATORY (Continued)

Farrow, Tom, commended—  
HR 58, page 114

Fazekas, Donald Earl, commended—  
HR 87, page 143

Fontaine, Tony, commended—  
SJR 56, pages 141, 154, Act No. 85-54

Giddens, mr. and mrs. Zeek, commended—  
HR 12, page 19

Gilmore, Christina Renee, commended—  
HR 43, page 88

Gordon, Spiver, commended—  
HR 77, page 131

Green, Blake Alan, commended—  
HR 88, page 143

Griggers, mr. and mrs. A.L., commended—  
HR 44, page 89

Gross, Buster, commended—  
HJR 49, pages 98, 102, 105, 106, Act No. 85-23

Harless, Irene B., commended—  
HR 33, page 64

Homewood high school and middle school, congratulated—  
SJR 8, pages 36, 101, Act No. 85-26

Hooper, mr. and mrs. Perry, commended—  
HR 42, page 89

Ingram, mr. and mrs. Travis, commended—  
HR 11, page 18

Jelks, Gene, commended—  
HJR 48, pages 97, 102, 105, 106, Act No. 85-22

Kiwanis international, commended—  
HR 59, page 115

Knowlton, Todd, commended—  
SJR 18, pages 89, 103, Act No. 85-30

Little, Ted, commended—  
SJR 44, pages 112, 115, Act No. 85-19

Madden, Simon T., commended—  
HJR 57, pages 112, 148, 152, 156, Act No. 85-74

Maplesville high school football team, commended—  
HJR 41, pages 88, 102, 105, 106, Act No. 85-20

Mathews, mr. and mrs. Forrest Lee, congratulating—  
HR 31, page 61

McIntyre, Sarah Frances, commended—  
HR 72, page 128

## RESOLUTIONS, CONGRATULATORY (Continued)

- Medical center, university of Alabama, commended—  
HJR 6, pages 16, 26, 35, 83, Act No. 85-4
- Merrill, Lynn Sensabaugh, commended—  
HR 89, page 143
- Mobley, mr. and mrs. Sidney C., commended—  
HR 13, page 19
- Montevallo, university of, lady falcons volleyball team, commended—  
HJR 21, pages 30, 146, 150, 155, Act No. 85-70
- Patterson, Clark John, commended—  
HR 65, page 117
- Pratt, dr. Evelyn, commended—  
HJR 7, page 17  
HR 8, page 18
- Prattville high school football team, commended—  
HJR 20, pages 29, 146, 150, 155, Act No. 85-69  
HR 56, page 111  
SJR 33, pages 90, 104, Act No. 85-36
- Reams, Donald Davis, commended—  
HJR 14, pages 19, 27, 36, 83, Act No. 85-6
- Robinson, mr. and mrs. Ernest W., jr., commended—  
SJR 21, pages 89, 104, Act No. 85-33
- Russell, Edgar, Jr., commended—  
HJR 5, pages 15, 61, 61, 83, Act No. 85-11  
SJR 9, pages 37, 101, Act No. 85-25
- Russell, mr. and mrs. Obie, commended—  
HR 10, page 18
- Schroeder, Janet Elizabeth, commended—  
HR 90, page 143
- Shirley, mr. and mrs. Allen, commended—  
HR 53, page 100
- Sims, Joey, commended—  
HR 29, page 34
- Smith, Durward A., commended—  
HR 95, page 144
- Smith, dr. George H., honored—  
HJR 24, pages 32, 146, 150, 155, Act No. 85-59
- Smith, Sydney Albert, commended—  
HR 92, page 144
- Smyth, David Henley, commended—  
HR 93, page 144
- Speaks, Francis William, commended—  
HR 91, page 144

## RESOLUTIONS, CONGRATULATORY (Continued)

Spratlin, James Kirk, commended—

HR 66, page 117

Stewart, Robert, commended—

HR 62, page 116

Tanner, Blewette, commended—

HJR 9, pages 18, 26, 36, 83, Act No. 85-5

Third annual music and preaching workshop, welcomed—

~~HJR 74, pages 128, 147, 151, 156, Act No. 85-58~~

Trinity baptist church, Birmingham, commended—

HR 68, page 118

Troy state university, football team, commended—

HJR 17, pages 21, 27, 36, 83, Act No. 85-9

Vandiver, J.T., commended—

HR 69, page 121

Vickrey, president Jim, university of montevallo, commended—

HJR 46, pages 96, 102, 105, 106, Act No. 85-21

Walker, Marie, official capitol hostess, commended—

SJR 4, pages 37, 101, Act No. 85-27

Wallace, Mozelle, commended—

SJR 49, pages 112, 115, Act No. 85-16

Ware, Vonnie Marie, commended—

HR 100, page 145

Webster, John A., commended—

HR 94, page 144

Woodall, Paul and Jonathan, commended—

HJR 35, pages 74, 146, 150, 156, Act No. 85-61

Zachary, Ann Louise, commended—

HR 45, page 92

SJR 35, pages 91, 104, Act No. 85-24

## RESOLUTIONS, DESIGNATIONS

Bishop-Cooley-Johnson bill, named—

HJR 73, pages 128, 133, 136, 155, Act No. 85-77

Charles McDowell Lee Natatorium, named—

SJR 131, pages 90, 104, Act No. 85-34

E.M. Galloway Road, named—

HJR 38, pages 78, 146, 151, 156, Act No. 85-64

Finis St. John, III, highway, named—

HJR 4, pages 14, 26, 35, 83, Act No. 85-3

Hank Williams memorial parkway, named—

SJR 50, pages 148, 155, Act No. 85-56

Wallace D. Malone, Jr., art building, named—

SJR 32, pages 90, 104, Act No. 85-35

RESOLUTIONS, LEGISLATIVE

Adjournment—

HJR 16, pages 20, 27, 36, 83, Act No. 85-8

HJR 79, pages 142, 147, 151, 156, Act No. 85-67

SJR 43, pages 85, 86

Drugs, sales tax exemption, legislative intent—

HJR 30, pages 39, 146, 150, 155, Act No. 85-60

Joint rules, adopted—

HJR 18, pages 28, 60, 60, 83, Act No. 85-10

Mobile bay, U.S. navy designated as navy port—

SJR 20, pages 89, 104, Act No. 85-32

Reagan, Ronald, memorialized regarding proposed tva budget—

HJR 55, pages 109, 148, 152, 156, Act No. 85-73

Textile/apparel industry jobs, U.S. congress and president memorialize regarding—

HJR 15, pages 19, 20, 27, 36, 83

SJR 16, pages 149, 155, Act No. 85-57

U.S. congress requested to require that federal spending not exceed estimated federal budget—

HJR 52, page 99

U.S. congress, Alabama's delegation memorialized regarding cuts in funding for social programs and other benefits—

HJR 50, pages 98, 146, 151, 156, Act No. 85-65

RESOLUTIONS, MISCELLANEOUS

Battleship action group, navy urged to select Mobile bay as port for—

HJR 34, pages 69, 148, 152, 156, Act No. 85-72

RESTITUTION

Supervised intensive, program, certain prisoners ineligible—

SB 6, pages 81, 82, 96, 118, 121, Act No. 85-43

RETIREMENT SYSTEMS

Teachers and employees, certain members may nominate person he desires for surviving spouse—

HB 26, pages 11, 26, 79, 103, 105, 106, Act No. 85-44

ROBERSON, JAMES PAUL

Death mourned—

HR 28, page 34

ROBINSON, MR. AND MRS. ERNEST W., JR.

Commended—

SJR 21, pages 89, 104, Act No. 85-33

ROGERS, JOHN WESLEY, SR.

Death mourned—

HJR 67, pages 117, 148, 152, 156, Act No. 85-76

## ROGERS, MR. T.Y.

Death mourned—

HJR 19, pages 29, 145, 150, 155, Act No. 85-68

## RUSSELL, EDGAR, JR.

Commended—

HJR 5, pages 15, 61, 61, 83, Act No. 85-11

## RUSSELL, MR. AND MRS. OBIE

Commended—

HR 10, page 18

## SALES TAX

Exemption, drugs, legislative intent expressed—

HJR 30, pages 39, 146, 150, 155, Act No. 85-60

## SALVAGE

Sunken treasure, historical commission authorized to contract for—

HB 18, pages 9, 26, 79, 103, 105, 106, 138, 139, 147, 152, 156, Act No. 85-53

## SCHOOLS

Personnel, immune from liability for certain communications regarding drugs—

HB 30, page 28

Teachers, full time, vacation regulated—

HB 7, page 7

## SCHROEDER, JANET ELIZABETH

Commended—

HR 90, page 143

## SCOTT, ISAAC JUDSON, JR.

Death mourned—

HJR 63, pages 116, 148, 152, 156, Act No. 85-75

HR 64, page 117

## SEAFOOD

Oysters, non-commercial fishing, defined—

HB 24, pages 10, 25, 78, 148, 152, 156, Act No. 85-48

Shrimp trawling, commercial, penalties—

HB 23, pages 10, 25, 76, 77, 82, 147, 150, Act No. 85-50

## SECOND INJURY TRUST FUND

Industrial relations department, appropriation from—

SB 34, pages 122, 123, 128, 137, 153, Act No. 85-42

## SECRETARY OF STATE

Acts and journals, number of copies printed and delivered, reduced—

HB 19, pages 10, 25, 76



SHIRLEY, MR. AND MRS. ALLEN

Commended—  
HR 53, page 100

SIMS, JOEY

Commended—  
HR 29, page 34

SMALL CLAIMS COURT

Jurisdiction, increased—  
HB 14, pages 9, 24, 71, 125, 126, 155, Act No. 85-52

SMITH, DURWARD A.

Commended—  
HR 95, page 144

SMITH, DR. GEORGE H.

Honored—  
HJR 24, pages 32, 146, 150, 155, Act No. 85-59

SMITH, SYDNEY ALBERT

Commended—  
HR 92, page 144

SMYTH, DAVID HENLEY

Commended—  
HR 93, page 144

SPEAKS, FRANCIS WILLIAM

Commended—  
HR 91, page 143

SPRATLIN, JAMES KIRK

Commended—  
HR 66, page 117

ST. JOHN, FINIS EWING, III

Death mourned—  
HJR 3, pages 14, 26, 35, 83, Act No. 85-2  
SJR 10, pages 38, 101, Act No. 85-38

Highway, named—  
HJR 4, pages 14, 26, 35, 83, Act No. 85-3

STATE AGENCIES

Environmental management department, authorized assess civil penalties, seek injunctions, employ attorney, enforcement powers regulated—  
HB 29, pages 27, 34

Industrial relations department, supplemental and conditional appropriation—  
SB 34, pages 122, 123, 128, 137, 153, Act No. 85-42

**STATE AGENCIES (Continued)**

Office of emergency management, includes man-made, natural or technological disasters, for purposes of continuing state government—  
HB 4, page 7

Sunshine law, expanded—  
HB 5, pages 7, 26, 80, 87, 91, 92, 93

**STATE DOCKS**

Mobile bay, appropriation to deepen—  
HB 3, page 7

**STATE EMPLOYEES**

Teachers and employees retirement system, certain members may nominate person he desires for surviving spouse—  
HB 26, pages 11, 26, 79, 103, 105, 106, Act No. 85-44

**STATUTE OF LIMITATIONS**

Civil actions, certain—  
SB 22, pages 82, 109, 132, 133, 134, 137, 139, 154, Act No. 85-39

Co-employees lawsuits, prohibited unless for willful misconduct, workmen's compensation benefits and benefit period increased, physician selection regulated, safety notice, statement of limits altered—  
HB 1, pages 5, 23, 41, 42, 59, 61, 64, 68  
SB 33, pages 123, 124, 126, 135, 153, Act No. 85-41

Crimes, certain types, removed—  
HB 2, pages 7, 24, 70

Crimes, number of, fall under, increased—  
SB 2, pages 82, 96, 111, 114, Act No. 85-14

**STEWART, ROBERT**

Commended—  
HR 62, page 116

**SUNSHINE LAW**

Expanded—  
HB 5, pages 7, 26, 80, 87, 91, 92, 93

**TANNER, BLEWETTE**

Commended—  
HJR 9, pages 18, 26, 36, 83, Act No. 85-5

**TAX EXEMPTIONS**

Ad valorem, aged and disabled, annual application not required—  
HB 6, page 7

Dallas fair association, exempt—  
HB 15, page 9

**TAXATION**

Drugs, sales tax, legislative intent expressed—  
HJR 30, pages 39, 146, 150, 155, Act No. 85-60

## TAXATION (Continued)

Marine fuel dealers, sales tax, certain—  
HB 13, page 9

Recreational vehicles, license tax and fees authorized—  
HB 10, page 8

## TEACHERS

Communications, concerning drugs, immune from liability—  
HB 30, page 28

Full-time, vacation regulated—  
HB 7, page 7

Retirement system, certain members may nominate person he desires  
for surviving spouse—  
HB 26, pages 11, 26, 79, 103, 105, 106, Act No. 85-44

State textbook committee, representative, increased—  
HB 8, page 8

## TEACHERS RETIREMENT SYSTEM

Members, certain, may nominate person he desires for surviving spouse—  
HB 26, pages 11, 26, 79, 103, 105, 106, Act No. 85-44

## TENNESSEE VALLEY AUTHORITY

Reagan, Ronald, memorialized regarding proposed budget—  
HJR 55, pages 109, 148, 152, 156, Act No. 85-73

## THIRD ANNUAL MUSIC AND PREACHING WORKSHOP

Welcomed—  
HJR 74, pages 128, 147, 151, 156, Act No. 85-58

## TRINITY BAPTIST CHURCH

Commended—  
HR 68, page 118

## TROY STATE UNIVERSITY

Charles McDowell Lee Natatorium, named—  
SJR 31, pages 90, 104, Act No. 85-34

Football team, commended—  
HJR 17, pages 21, 27, 36, 83, Act No. 85-9

Wallace D. Malone, Jr., art building, named—  
SJR 32, pages 90, 104, Act No. 85-35

## TUCKER, DR. ALEX LEE, SR.

Death mourned—  
HR 75, page 129

## U.S. CONGRESS

Alabama's delegation, memorialized regarding cuts in funding for social  
programs and other benefits—  
HJR 50, pages 98, 146, 151, 156, Act No. 85-65

## U.S. CONGRESS (Continued)

Federal spending not exceed federal budget, requested to regulate—  
HJR 52, page 99

Textile and apparel industry jobs, memorialized regarding—  
HJR 15, pages 19, 20, 27, 36, 83  
SJR 16, pages 149, 155, Act No. 85-57

## UNIVERSITY OF ALABAMA

Medical center, commended—  
HJR 6, pages 16, 26, 35, 83, Act No. 85-4

## UNIVERSITY OF MONTEVALLO

Lady falcons volleyball team, commended—  
~~HJR 21, pages 30, 146, 150, 155, Act No. 85-70~~

Vickery, Jim, president, commended—  
HJR 46, pages 96, 102, 105, 106, Act No. 85-21

## VANDIVER, J.T.

Commended—  
HR 69, page 121

## VICKERY, JIM

Commended—  
HJR 46, pages 96, 102, 105, 106, Act No. 85-21

## WALKER, MARIE

Commended—  
SJR 4, pages 37, 101, Act No. 85-27

## WALLACE, MOZELLE

Commended—  
SJR 49, pages 112, 115, Act No. 85-16

## WARE, VONNIE MARIE

Commended—  
HR 100, page 145

## WATER AND WATERCOURSES

Sunken treasure, historical commission, authorized to contract for—  
HB 18, pages 9, 26, 79, 103, 105, 106, 138, 139, 147, 152, 156, Act  
No. 85-53

## WEBSTER, JOHN A.

Commended—  
HR 94, page 144

## WILLIAMS, HANK

Memorial parkway, named—  
SJR 50, pages 148, 155, Act No. 85-56

**WORKMEN'S COMPENSATION**

Co-employees lawsuits, prohibited unless for willful misconduct, benefits and benefit period increased, physician selection regulated, safety notice, statements of limits altered—

HB 1, pages 5, 23, 41, 42, 59, 61, 64, 68

SB 33, pages 123, 124, 126, 135, 153, Act No. 85-41

Industrial relations department, supplemental and conditional appropriation, for computers in workmen's compensation division—

SB 34, pages 122, 123, 128, 137, 153, Act No. 85-42

**ZACHARY, ANN LOUISE**

Commended—

SJR 35, pages 91, 104, Act No. 85-24



**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**STATE OF ALABAMA**  
**FIRST**  
**EXTRAORDINARY**  
**SESSION OF 1985**  
**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING WEDNESDAY, JANUARY 23, 1985**



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**JOURNAL**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**  
**OF THE**  
**STATE OF ALABAMA**  
**FIRST EXTRAORDINARY**  
**SESSION**  
**OF 1985**

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**FIRST DAY**

House of Representatives  
Montgomery, Alabama  
Wednesday, January 23, 1985

Be it remembered that on the twenty-third day of January, His Excellency, George C. Wallace, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

**STATE OF ALABAMA**  
**PROCLAMATION**  
**BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122, of the Constitution of Alabama, 1901.

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, State Capitol, in Montgomery, Alabama, at 4:00 p.m., on Wednesday, January 23, 1985, and I do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation for the purpose of amending the Constitution of Alabama so as to create a permanent trust fund for the benefit of the State of Alabama and the citizens thereof, which will provide for the funding of such trust fund with state moneys derived from the sale, leasing, or other disposition of off-shore oil, gas and other hydrocarbon minerals; and creating a board to manage said trust fund and prescribing the powers thereof; and providing for the investment of moneys held in such trust fund; and terminating the Alabama Heritage Trust Fund in transferring all assets of said trust fund during the year 2001.

2. Legislation proposing an amendment to the Constitution of Alabama of 1901, to provide for the creation of a commission to be responsible for

JOURNAL OF THE HOUSE, 1985  
1st Day

the improving of soil and water conservation and forestry practices in the State of Alabama, and matters relating directly thereto.

3. Legislation proposing an amendment to the Constitution of Alabama of 1901, creating the Alabama Agricultural and Conservation Development Commission and matters relating directly thereto.

4. Legislation to make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency and the State Liability Insurance Fund for the fiscal year ending September 30, 1985.

5. Legislation to change the form of government in the City of Tuscaloosa and in the County of Tuscaloosa County, Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State at the capitol, in the City of Montgomery, on this the 23rd day of January, 1985.

GEORGE C. WALLACE,  
Governor.

ATTEST:  
DON SIEGELMAN,  
Secretary of State.

PRAYER

The session was opened with prayer by Dean Jones, Hollywood, California.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, ~~Blakeney~~, ~~Boles~~, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammitt, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for transactions of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Goodwin, Davis and Hooper.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Martin, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark, (J), Clark, (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. R. 3. COMMENDING DEAN JONES.

Also:

The following resolution was introduced:

By Reps. Bugg and Junkins:

H. J. R. 4. COMMENDING LARRY ROSE OF EMMA SANSOM HIGH SCHOOL FOR OUTSTANDING ACCOMPLISHMENT.

JOURNAL OF THE HOUSE, 1985  
1st Day

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to Emma Sansom High School's Larry Rose, number one on the Birmingham Post-Herald's Ten Most Wanted list of top college football prospects; and

WHEREAS, this prestigious listing is compiled by the Post-Herald from information gathered from college coaches in the Southeast and from Alabama's high school coaches, and is therefore highly indicative of an athlete's ability and potential; and

WHEREAS, Larry Rose, who is a six-four, 270-pound defensive tackle, had 165 tackles to his credit, thereby contributing greatly to Emma Sansom's 15-0 season and the Class 5-A State Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Larry Rose as Alabama's top college football prospect and direct that he receive a copy of this resolution expressing our sincere warm praise and regard.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 4, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I transmit herewith, a message from Governor George C. Wallace.

Done this the 23rd day of January, 1985.

Respectfully submitted,  
ELVIN L. STANTON  
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, AL 36130

Ladies and Gentlemen:

I have called you together into extraordinary session today to provide you, the members of the Legislature, an opportunity to leave a legacy for future Alabamians. We were extremely fortunate in August of 1984 to have

received very attractive bids on leasing some of the state's land for the purpose of oil and gas exploration. We accepted bids totalling \$347,483,000 and immediately invested those funds so as to earn maximum interest for the General Fund. However the time has come for a more permanent answer in this matter. We have a very unique opportunity to provide a legacy for future generations of Alabamians. This legacy will survive us and serve as a constant and consistent reminder to posterity of our concern about the future economic health of our state. In short we can enjoy some of the benefits of our natural resources while preserving a share of those benefits for those who come after us.

Some of you have expressed genuine concern about some of the real needs of state government and you have expressed your desire to designate a portion of the oil and gas revenues, or the interest from these investments to be used for these various needs. I agree with you that these are serious, legitimate needs at this particular time. I assure you that my administration will work with you to help find solutions to these problems. However, I hope that you will agree with me that we must not permanently earmark these revenues for what may be temporary problems. Each case in point is an argument of why the Legislature each year should be free to determine the critical needs of state government, then allocate these funds to meet those needs as you see fit. A permanent trust fund that can be fed by royalties and future bonuses is the responsible, statesmanlike alternative to additional taxes to meet the needs of state government. You can be proud that you helped provide this legacy for your children, their children, and all future generations.

The opportunity to help secure the future of generations of Alabamians is unique, but it also places a great responsibility on our collective shoulders. We must exemplify the highest level of statesmanship in our deliberations. We must ensure that this trust fund is secure and that the investment procedures are sound and will stand the test of time.

We must resist the temptation to write into this Constitutional Amendment a means of making a quick profit on investments or procedures that may be sound today, but risky and unsafe tomorrow. We must be mindful that we are dealing with funds which come from our state's finite resources and belong to all generations. Therefore, they should demand the highest degree of prudence, responsibility and integrity.

We must not spend away, or gamble away this heritage of the people of Alabama!

In my proposal to create the Alabama Trust Fund, we have worked very hard to present to you an amendment that is fair, responsive and responsible. Two leading New York banking institutions have labeled our investment philosophy embodied in this proposal as "a very prudent, sensible investment policy for our state."

In summary, I urge you to resist embarking on a path that may lead to temporary gratification but long-range financial chaos as now exists in some of our sister states whose legislatures chose a different approach to their oil and gas revenues. These finite minerals will some day be depleted. But if you will join me in enthusiastic and unwavering support of the proposal I place before you, the benefits from these resources will continue to live and provide for the future of all generations of Alabamians from this day forward.

In addition to the trust fund legislation, I am asking you to consider several other matters during this session. Alabama farmers have been especially hard hit during these recent difficult times. One way we can be of assistance is through an effective soil conservation program. We have the sixth highest cropland erosion rate in the nation and we have an obligation to protect our land for future generations. I am including a constitutional amendment and enabling legislation to do just that.

I strongly urge you to favorably consider these and other items included in the call.

I thank you for your sense of dedication and teamwork exhibited in the past and I know that we will continue to work together in the interest of all citizens of our state.

Done this 23rd day of January, 1985.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

### INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Melton (With Notice and Proof):

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H. B. 1, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Reps. Mitchell, Brakefield, Melton and Johnson (Roy) (With Notice and Proof):

H. 2. Relating to Tuscaloosa County, providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 2, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (Roy):

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Committee on Rules.

By Rep. Johnson (Roy):

H. 4. To amend Sections 34-11-1 and 34-11-2 of the Code of Alabama of 1975, as heretofore amended, which regulate the practice of engineering and land surveying, so as to clarify the scope of such regulation by expressly excluding the practice of genetic engineering, molecular engineering, protein engineering or other similar activities encompassed within the life sciences from the definition of the practice of engineering and by expressly stating that nothing in such regulatory statutes or any other law of this state shall be construed to prohibit any person from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such is used or modified in such manner that it does not convey the impression that such person practices or offers to practice engineering as defined in Chapter 11 of Title 34 of the Code of Alabama of 1975 or from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used in connection with or modified by the terms genetic, molecular, protein or other similar terms connoting as activity encompassed within any of the life sciences.

Committee on Health.

By Reps. Coburn, Turner, McKee, Mitchell, Grouby, Starr, Johnson (Roy), Holmes and Brakefield:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of

Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency and the State Liability Insurance Fund for the fiscal year ending September 30, 1985.

Committee on Ways and Means.

By Reps. Drake, Hooper, Coburn, Carothers, Campbell, Johnson (Roy), Moore, Onderdonk, Adams, Rogers, Reed, Melton, Rice, Flowers, Payne, Spratt, Bugg, Britnell, Hettinger, Clark (J), White (F), Cosby, Davis, Grayson, Escott, Browder, Harvey, McMillan, Penry, Seibels, Trammell, Boles, Holley, Turner, Johnson (RG), Mitchell, Turnham, Smith, Blake, Thomas, Zoghby, Marietta, Box, Blakeney, Black, Coleman, Harper, Carter, Parker, Mathis, Martin, Sasser, Bachus, Clark (D), Richardson, White (L), Goodwin, McKee, Mikell, Grouby, Gaston, Kvalheim, Starr, Crow, Lauderdale, Burke, Starkey, Lindsey, Beasley, Holmes, Brakefield, and Warren:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. White (L):

H. 7. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 or said code.

Committee on Banking.

By Rep. Preuitt:

H. 8. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Committee on Ways and Means.

By Reps. Clark (J), Drake, Johnson (Roy), Coburn, Holley, Moore, Hammett, Junkins, Bugg, Smith, Brakefield, Box, Turner, Zoghby, Adams, White (L), Carter, Bowling, Coleman, Fuller, Sasser, Venable, Mathis, Beasley, Dutton, Goodwin, Richardson, Starkey, Browder, Kennedy, Buskey (James), Parker, Blake, Hooper, Mikell, Crow, Burke, Mitchell, Reed, Holmes,



Tanner, Lauderdale, Starr, Carothers, Rogers, Albright, Grayson, Flowers, Cosby, White (F), Grouby, Faulk, Nicholson, Warren, Thomas, Lindsey, Preuitt, Hall, Clark (D), Trammell, Boles, Rice, Onderdonk, Turnham, Marietta, Harper, Black, McMillan, Penry, Blakeney, Melton, Hettinger, Martin, Rains, Poole, McDowell, Pratt, Perdue and Davis:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the authority; and to exempt all leases of the Authority from the competitive bid laws.

Committee on Ways and Means.

By Reps. Holley, Smith, Turner, Johnson (Roy), Browder, Clark (J), White (L), Brakefield, Campbell, Rice, Goodwin, Blakeney, Warren, Onderdonk, Moore, McMillan, Buskey (John), Blake, Mitchell, Carter, Fuller, Junkins, Richardson, Dutton, Adams, Coleman, Hooper, Grouby, Flowers, Burke, Beasley, Reed, Bowling, Parker, Carothers, Kennedy, White (F), Hall, Crow, Mikell Preuitt, Tanner, Starr, Mathis, Lindsey, Thomas, Black, Penry, Lauderdale, Rains, Nicholson, Albright, Bugg, Grayson, Trammell, Coburn, Faulk, Poole, Cosby, Biddle, Harper, Venable, Spratt and Zoghby:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Holley, Smith, Turner, Johnson (Roy), Browder, Clark (J), White (L), Brakefield, Campbell, Rice, Moore, Goodwin, Onderdonk, Blakeney, Warren, McMillan, Buskey (John), Blake, Mitchell, Carter, Fuller, Junkins, Richardson, Dutton, Adams, Hooper, Coleman, Grouby, Mikell, Flowers, Burke, Beasley, White (F), Reed, Penry, Bowling, Parker, Carothers, Kennedy, Hall, Crow, Preuitt, Tanner, Starr, Mathis, Lindsey, Thomas, Black, Lauderdale, Rains, Nicholson, Albright, Bugg, Grayson, Trammell, Coburn, Faulk, Poole, Cosby, Biddle, Harper, Spratt, Zoghby and Venable:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of

1901 proposed by the Act of the 1985 Second Special Session of the Legislature of Alabama that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Committee on Ways and Means.

By Rep. Campbell:

H. 12. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975, and certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class

mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14 (d) of Act No. 82-612, Acts of Alabama 1982.

Committee on Judiciary.

By Rep. Campbell:

H. 13. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax and to remove certain tax exemptions.

Committee on Judiciary.

By Rep. Fuller:

H. 14. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

Committee on Judiciary.

By Rep. Fuller:

H. 15. To amend Section 12-13-33, Code of Alabama 1975, so as to provide for an increase in the amount of the bond of probate judges.

Committee on Judiciary.

By Reps. Brooks and Grayson:

H. 16. To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

Committee on Judiciary.

By Rep. Rogers (With Notice and Proof):

H. 17. To alter and rearrange the boundaries of the City of Gardendale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 17, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 18. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory now within such corporate limits thereof and also certain additional territory described by metes and bounds.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Rogers (With Notice and Proof):

H. 19. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Brooks, Butler, Johnson (Roy), Lindsey, Burke, Hooper, Mikell, Adams, Browder, Martin, Escott, Beers, Seibels, Grayson, Fuller, Tanner, Hall, Box, Coleman, Ford, Newman, Richardson and Dutton:

H. 20. To provide additional penalties for persons violating speed restrictions while transporting flammable liquids, explosives or hazardous waste upon the highways of this state.

Committee on Judiciary.

FIRST EXTRAORDINARY SESSION  
1st Day

15

By Reps. Butler and Brooks:

H. 21. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a temporary trust fund known as "The Alabama Emergency Services Trust Fund" for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the leasing of its rights in certain offshore oil, gas and other hydrocarbon minerals; to provide that such trust fund shall have a life of seven years, at the end of which its corpus shall revert to "The Alabama Heritage Trust Fund"; to provide that the existing board of trustees for "The Alabama Heritage Trust Fund" shall manage such trust fund; to prescribe the powers of such board; to provide for the investment of moneys held in such trust fund and to authorize the legislature to make appropriations from the trust income generated from investments of such trust fund for certain emergency purposes as directed by a certain legislative oversight committee.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Albright and Bugg:

H. 22. To prohibit discrimination in pay on the basis of sex by all colleges.

Committee on Education.

By Rep. Mikell:

H. 23. This bill authorizes the Health Department to charge fees to reimburse the cost of laboratory analyses and services provided that are not otherwise specified for the Health Department to perform by law.

Committee on Health.

By Reps. Britnell, Newman and Lauderdale (With Notice and Proof):

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 24, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith, Richardson, Starr and Faulk:

H. 25. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

Committee on Agriculture and Forestry.

By Reps. Smith, Richardson, Starr and Faulk:

H. 26. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama

Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Committee on Agriculture and Forestry.

By Rep. Grayson:

H. 27. To amend Section 6 of Act No. 84-294, H. 229, Regular Session 1984 (Acts 1984, p. 567), which act makes appropriations for the executive, legislative and judicial departments for the fiscal year ending September 30, 1985, so as to amend subsection B 3(a) relating to Alabama A&M University so as to provide that the \$1,000,000 appropriation for "High Technology Resource Foundation" shall read for "Bio-High Technology."

Committee on Education.

By Rep. Grayson:

H. 28. To amend Section 16-36-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee.

Committee on Education.

By Rep. Onderdonk:

H. 29. To authorize and establish a procedure whereby ordinances of municipalities may be introduced into evidence in the circuit courts of this state on appeals from municipal or district courts.

Committee on Judiciary.

By Rep. Onderdonk:

H. 30. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Committee on Judiciary.

By Rep. Albright:

H. 31. To amend Section 6 of Act No. 84-294, H. 229, Regular Session 1984 (Acts 1984, p. 567), which act makes appropriations for the executive, legislative and judicial departments for the fiscal year ending September 30, 1985, so as to amend subsection B 4(c) relating to the University of Alabama in Huntsville so as to provide that the \$900,000.00 appropriation "For High Technology Resource Foundation" shall read "For High Technology."

Committee on Education.

By Reps. Onderdonk, McMillan, Marietta, Blakeney, Turner, Harper, Warren, Kvalheim, Hammett, Johnson (Roy), Hooper and Lauderdale:

H. 32. To amend the Code of Alabama 1975, Section 40-20-5, so as to

change the due date for reports of production of natural gas under the Privilege Tax on Production.

Committee on Ways and Means.

By Reps. Onderdonk, McMillan, Marietta, Blakeney, Turner, Harper, Zoghby, Kvalheim, Buskey (James), Johnson (Roy), Hooper and Lauderdale:

H. 33. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Committee on Ways and Means.

By Reps. Onderdonk, McMillan, Marietta, Blakeney, Turner, Harper, Warren, Kvalheim, Hammett, Johnson (Roy), Hooper and Lauderdale:

H. 34. To amend Code of Alabama 1975, Section 9-17-26, so as to change the due date for reports of production of natural gas under the Conservation and Production Tax.

Committee on Ways and Means.

By Rep. Zoghby:

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

Committee on Ways and Means.

By Rep. McDowell (With Notice and Proof):

H. 36. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 36, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Biddle, Carothers, Moore, Campbell, Johnson (RG), Clark (J), Johnson (Roy), Mitchell and Flowers:

H. 37. To amend §22-2-4, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

Committee on Health.

By Reps. Biddle, Drake, Carothers, Trammell, Boles, McDowell, Johnson (RG), Pratt, White (L), Parker, Albright, Rogers, Moore and Bowling:

H. 38. To amend §41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts

purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

Committee on Health.

By Rep. Butler:

H. 39. To authorize the State Board of Health to designate the services rendered by the state and local health departments for which a reasonable fee may be charged. The State Board of Health is further required to set a maximum fee for each service. The local board of health may set fees for services, not to exceed the maximum set by the State Board of Health. The local board of health may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

Committee on Ways and Means.

By Reps. Holmes, Buskey (John), Melton, Kennedy, Thomas, McDowell, Spratt, Davis, McNair, Perdue, Rogers, Buskey (James), Black, Reed and Grayson:

H. 40 To make an appropriation for a public works program to be administered by the director of the Department of Pensions and Security.

Committee on Ways and Means.

By Reps. Richardson and Hall (With Notice and Proof):

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 41, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger, Butler, Coleman, Parker, Burke, Clark (D), Brooks, Hall, McMillan, Brakefield and Grayson:

H. 42. To exempt all persons employed in public and private schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Committee on Education.

By Rep. McDowell (With Notice and Proof):

H. 43. Relating to Jefferson County; fixing the salary of the Deputy Probate Judge.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 43, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK



FIRST EXTRAORDINARY SESSION  
1st Day

19

By Rep. Rains:

H. 44. To further amend Section 40-23-4, Code of Alabama 1975, as last amended relating to sales tax exemptions so as to repeal a certain partial exemption on the payment of such tax for certain blind vendors; to further amend Section 40-23-5, Code of Alabama 1975, relating to exemptions from certain state, county, and municipal sales and use taxes, so as to include certain blind vendors.

Committee on Ways and Means.

By Reps. Blake and Junkins (With Notice and Proof):

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 45, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blakeney (With Notice and Proof):

H. 46. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 46, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith, Johnson (Roy), Holley and Kennedy:

H. 47. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of five days because schools were closed due to a natural disaster and to provide that no school shall lose any funds and that no teachers or employees shall lose any pay due to the provisions of this Act.

Committee on Education.

By Reps. Holley, Coburn, Nicholson, Marietta, Onderdonk and Bachus:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Committee on Ways and Means.

By Reps. Blakeney, Onderdonk, Mathis, Black and Warren:

H. 49. To provide that any State Commander of a Veterans Organization shall be entitled to a distinctive auto license plate; to provide for the

distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

Committee on Ways and Means.

By Reps. Mitchell, Melton, Holmes, McKee and White (L):

H. 50. To amend Section 36-29-10, Code of Alabama 1975, which provides for the election of retired state employees and retired teachers to continue coverage under the group insurance plan by the deduction of premiums for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost.

Committee on Ways and Means.

By Reps. Harper, Marietta, Mitchell, Penry, McMillan, Cosby, Buskey (James), Box, Turner, Onderdonk, Gaston, Kvalheim and Kennedy:

H. 51. To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

Committee on Ways and Means.

By Rep. Hettinger:

H. 52. To create the Commission on Engineering Education; to provide for the appointment, terms, powers and duties of its members; to provide for the purpose of the commission; to prescribe that recommendations shall be made to the Legislature; to prescribe that members shall not receive any compensation but shall be reimbursed all actual and necessary expenses incident to their official business; and to provide for the conduct of the affairs of the commission.

Committee on Education.

## RESOLUTIONS

The following resolution was introduced:

By Rep. Burke:

H. J. R. 5. COMMENDING VALLEY HEAD HIGH SCHOOL FOOTBALL TEAM ON DIVISION 1A STATE CHAMPIONSHIP.

WHEREAS, the Valley Head High School football team is the first DeKalb County team to win the State 1A Championship since the play-off system was established, with its great 13-6 victory over Sweet Water; and

WHEREAS, Tiger Head Coach Jim Kirby, the 1984 division 1A Coach of the Year, and assistant coaches Steve King and Anthony Greeson have reason to be especially proud of their players; and

WHEREAS, the Tigers scored a total of 352 points on offense, 25.2 per game, and allowed only 90 on defense, only 6.6 per game, on their way to an overall record of 13-1; and

WHEREAS, members of the Valley Head Championship Team are: Scott Tate, Alan Smith, John Kirby, Jon Bain, Stacey Blansit, Tracy Hall, Jeff Bain, Jeff Harrison, Chris Wilburn, Mark Miller, Jeff Burt, Jeff Gorham, Bill Millican, Phil Harris, Jim Tate, Buddy Tuxberry, Brian Matthews,

Dennis Wright, Dean Freeman, Johnny Crider, Stacy Smith, Steve Campbell and Gary McElhaney; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the Valley Head High School Football Team on winning the State 1A Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Kirby and staff; the Principal of Valley Head, Elaine Keith, for school display; and to Superintendent Billy Smothers.

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 6. CONGRATULATING THOMASVILLE ACADEMY, THOMASVILLE, ALABAMA, STATE CLASS 1A FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 7. COMMENDING JEANNE PRUETT, NATIVE ALABAMIAN AND COUNTRY MUSIC STAR OF INTERNATIONAL FAME.

WHEREAS, Jeanne Pruett, star of the grand Ole Opry in Nashville, Tennessee, is a native of Pell City, Alabama; and

WHEREAS, in addition to her appearances on the Grand Ole Opry, Miss Pruett is a recording artist of international fame and has thrilled country music fans, worldwide, with such hit songs as "Satin Sheets" and many, many others; and

WHEREAS, Miss Pruett will appear in benefit performances to be held in Pell City on January 31 and February 1, 1985, in an effort to raise the necessary funds for saving the historic home of her beloved former teacher, principal and friend, the late Miss Lola Roberts; and

WHEREAS, the Roberts home is a lovely turn-of-the-century three-story structure which is an impressive example of its era and a prototype which merits preservation for its profound historical significance; and

WHEREAS, the cost for moving the Roberts home to the Pell City historic district has been estimated at \$100,000, and Miss Pruett is indeed deserving of our gratitude and recognition for her unselfish contributions of time and exceptional talent on behalf of this very worthwhile project and legacy to future generations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and gratefully recognize Miss Jeanne Pruett for unselfish service to her

beloved hometown of Pell City, Alabama, and for her significant contributions to the honor and memory of the late Miss Iola Roberts.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Jeanne Pruett, both in token of our sincere regard and in appreciation for the fame and honor her accomplishments have brought to the entire State of Alabama.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Reps. Gaston, Kvalheim, Marietta, Penry, Buskey (James), Kennedy, Turner, Zoghby and McMillan:

H. J. R. 8. COMMENDING TAYLOR FREELAND HARPER OF GRAND BAY, ALABAMA.

WHEREAS, Taylor Freeland Harper of Grand Bay, Alabama, has served in the Alabama Legislature since 1978, representing House District 105, Mobile County; and

WHEREAS, our colleague, Mr. Harper, attended the University of Southern Mississippi, has served in the Alabama Army National Guard and is a member and past president of the Grand Bay Jaycees; he also is a member of the Grand Bay Volunteer Fire Department and has been selected Man of the Year by the Alabama Association of Railroad Passengers; and

WHEREAS, since early in his first term in the Alabama House of Representatives, Taylor Harper has been continually active in the affairs of the State-Federal Assembly of the National Conference of State Legislatures; he has been a member of the SFA Energy Committee since 1979, served as Vice Chairman of the committee, 1983-84, and has now been appointed Chairman for the 1984-85 term; and

WHEREAS, thus, Mr. Harper is chairing one of the 10 standing committees of SFA of the NCSL and will direct the membership's activities relating to such vital issues as oil and gas exploration, nuclear power and energy preparedness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend our friend and colleague, Taylor Harper of Grand Bay, and direct that he receive a copy of this resolution in token of our warm personal regard of his many accomplishments.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 8, was adopted.

Also:

By Reps. Gaston, Marietta and Kvalheim:

H. J. R. 9. COMMENDING DAVID N. WRIGHT OF MOBILE, ALABAMA, FOR DISTINGUISHED CONTRIBUTIONS TO THE BANKING INDUSTRY AND FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, David N. Wright of Mobile, Alabama, is a prominent Mobile banker who has contributed greatly to the industry and has distinguished himself through significant leadership in civic and community affairs; and

WHEREAS, Mr. Wright, who is a graduate of the University of Alabama, is the 1984 recipient of the American Banker's Association Presidential Award and, in 1983, was named Top Performer in the "New Directions 1983" employee incentive program for Central Bank of the South; and

WHEREAS, named an Honorary Fellow by Mobile College, Mr. Wright also serves on the Providence Hospital Board of Foundations and is a member of the Industrial Development Board of Mobile County, Junior Achievement of Mobile Board, the Private Industry Council of Mobile and the board of directors of the local chapter of Boy Scouts of America; and

WHEREAS, Mr. Wright, in an extension of his numerous activities and involvement, has served as a past president of the South Alabama Chapter of the Arthritis Foundation and was organizer of the first local Telethon in conjunction with the national fund raising endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend David N. Wright of Mobile, Alabama, to whom a copy of this resolution shall be presented, in expression of our sincere praise and regard of his numerous contributions to the banking industry and for outstanding community service.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

By Rep. Pratt:

H. J. R. 10. CONGRATULATING MR. AND MRS. MILTON FIES NESBITT OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the 50th Wedding Anniversary, on January 12, 1985, of Mr. and Mrs. M. F. Nesbitt of Birmingham, Alabama; and

WHEREAS, on January 12, 1935, Milton Fies Nesbitt and his lovely bride, Miss Carrie Wall, were joined in holy matrimony at her brother's home in Avondale; and

WHEREAS, they have since lived their lives as one, devoted each to the other, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Nesbitt are the parents of two sons and the grandparents of Debra, Scott, William and Daniel; Mr. Nesbitt is retired from the Tin Mill, U. S. Steel, where he was employed at the Hot Strip Mill; and

WHEREAS, the Nesbitts were honored at a reception which was held in their home on January 3, 1985, and hosted by their sons and daughters-in-law, Mr. and Mrs. Milton (Sandra) Nesbitt, Jr., and Mr. and Mrs. Charles David (Jane) Nesbitt; 120 guests attended the reception honoring the anniversary couple; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Milton Fies Nesbitt of Birmingham, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Nesbitt that they may be aware of our congratulations and of our warm best wishes on this momentous occasion.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Reps. White (F) and Sasser:

H. J. R. 11. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, STATE 4-A FOOTBALL CHAMPIONS FOR 1984.

WHEREAS, in highest commendation, the Alabama Legislature congratulates T. R. Miller High School of Brewton, Alabama, State 4-A Football Champions for 1984; and

WHEREAS, under the talented direction of Head Coach Mike Sasser and assistant coaches Donnie Rotch, Jamie Riggs, James Jones, Alan Baker and Doug Branson, T. R. Miller High School ended the 1984 Regular Season with a 7-3 record; and

WHEREAS, the Brewton, Alabama powerhouse, in State Play-off competition, then downed Keith, UMS, Pike County and Tallassee High Schools to be matched against Cherokee County High School in the title game, winning 20-18 for the Crown; and

WHEREAS, the pride of Brewton and Alabama's '84 Champions are: Donald Howell, Keith Megginson, Kevin Ladnier, Steve Jennings, Frederick Craig, James Weaver, David Brittain, Joseph Hutchins, Michael Lawson, Yancey Jernigan, Terrence Gulley, Joseph Williams, Thomas Dasinger, Chris Peterson, Randolph Harris, James Ball, Blake Owens, Dewain Clark, Willie Stallworth, Chris Bell, Chad Hathorne, Carlos Powe, Lewis Najor, Tommy Thompson, Wade Crutchfield, Mark Ward, Thad Moore, Ronald Kennedy, Lee Thompson, Scott White, Bart Till, Chad Kent, Richard Williamson, Kyle Ferguson, Danny Burt, Michael Herbert, Roger McLellan, Robert McLellan, Jim Hart, Eric Coale, William Powe, Chip Peach, Chris Joyner, Michael Walker, Stephen Paul, Chris Chisum, Michael Grimes, Dwayne Hammac, Jeffery Hall, Boyd Martin, Jeffery Kirkland, Chris Boyd, and Roger Jones; and

WHEREAS, managing the T. R. Miller team were Andrew Johnson and Randy Smith, and cheering the team to victory were varsity cheerleaders: Captain Jennifer Locke, Co-captain Debbie Bell, Libby Everage, Chrys Kelley, Valerie Monroe, Dana Steele, Jewel Boyd, Alicia Tremer, Lori Locke and Christie McKendree; Cindy Finley and Mrs. Shirley Cotton, respectively, were the cheerleaders' mascot and sponsor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby both commend and congratulate T. R. Miller High School as our State 4-A Champions for 1984, and direct that copies of this resolution be forwarded to Principal Mike Hathorne for appropriate presentation and display.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 11, was adopted.

Also:

By Reps. Turner and Holmes:

H. J. R. 12. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the House of Representatives or the Senate that shirks his duty in the Legislature by using legislative time to attend football games or receptions may forfeit his legislative pay.

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Turner to suspend the rules and adopt the resolution, H. J. R. 12, was lost.

The resolution, H. J. R. 12, was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 9:00 o'clock a.m., Thursday, January 24, 1985.

#### SECOND DAY

House of Representatives  
Montgomery, Alabama  
Thursday, January 24, 1985

The House met pursuant to adjournment.

#### PRAYER

The session was opened with prayer by Rep. John Beasley, Dothan, Alabama.

#### ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

## BILLS ON SECOND READING

Rep. Clark, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities: providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council: providing for the term of office of the initial mayor and council: providing the election laws to be applied; providing for reapportionment of council districts: providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds: and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to the The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

The above bill was read a second time at length as required by the Constitution.

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission



to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

The above bill was read a second time at length as required by the Constitution.

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the 1985 Second Special Session of the Legislature of Alabama that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 5. (With Substitute): To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency and the State Liability Insurance Fund for the fiscal year ending September 30, 1985.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be

personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for state employees operating motor vehicles in the performance of their duties.

H. 50. To amend Section 36-29-10, Code of Alabama 1975, which provides for the election of retired state employees and retired teachers to continue coverage under the group insurance plan by the deduction of premiums for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost.

Rep. Carothers, Vice Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 4. To amend Sections 34-11-1 and 34-11-2 of the Code of Alabama of 1975, as heretofore amended, which regulate the practice of engineering and land surveying, so as to clarify the scope of such regulation by expressly excluding the practice of genetic engineering, molecular engineering, protein engineering or other similar activities encompassed within the life sciences from the definition of the practice of engineering and by expressly stating that nothing in such regulatory statutes or any other law of this state shall be construed to prohibit any person from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used or modified in such manner that it does not convey the impression that such person practices or offers to practice engineering as defined in Chapter 11 of Title 34 of the Code of Alabama 1975 or from using in connection with his name or otherwise the terms engineer, engineers, engineering or any other term if such term is used in connection with or modified by the terms genetic, molecular, protein or other similar terms connoting an activity encompassed within any of the life sciences.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 23. This bill authorizes the Health Department to charge fees to reimburse the cost of laboratory analyses and services provided that are not otherwise specified for the Health Department to perform by law.

FIRST EXTRAORDINARY SESSION  
2nd Day

29

H. 37. To amend § 22-2-4, Code of Alabama 1975, to provide for the payment of per diem, subsistence, and mileage to the Members of the State Committee of Public Health.

H. 38. To amend § 41-16-21 of the Code of Alabama 1975 to exempt from the provisions of the law on competitive bidding on public contracts purchases by any hospital or other medical facility operated by any state department, board, bureau, commission, committee, institution, corporation, authority or office.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 7. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said code.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 25. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees; to provide that the State Treasurer shall make distribution of said fees.

H. 26. To amend Section 2-3A-2 of the Code of Alabama 1975 relating to the types of agricultural facilities permitted to be financed by the Alabama Agricultural Development Authority so as to permit the Authority to finance facilities for the treating, processing or storing of agricultural commodities without regard to whether such activities are customarily engaged in by farmers as a part of farming.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the

event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 2. (With Amendment): Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

H. 46. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 12. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Section 41-22-12 through 41-22-21. Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975, and certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective

dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

H. 29. To authorize and establish a procedure whereby ordinances of municipalities may be introduced into evidence in the circuit courts of this state on appeals from municipal or district courts.

H. 30. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

H. 14. To bring bonding requirements of license commissioners, revenue commissioners, or others of similar title, who determine or collect taxes or

revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama.

H. 15. To amend Section 12-13-33, Code of Alabama 1975, so as to provide for an increase in the amount of the bond of probate judges.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to wit:

H. 16. (With Amendment): To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 20. To provide additional penalties for persons violating speed restrictions while transporting flammable liquids, explosives or hazardous waste upon the highways of this state.

H. 13. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax and to remove certain tax exemptions.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 22. (With Amendment): To prohibit discrimination in pay on the basis of sex by all colleges.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 31. (With Substitute): To amend Section 6 of Act No. 84-294, H. 229, Regular Session 1984 (Acts 1984, p. 567), which act makes appropriations for the executive, legislative and judicial departments for the fiscal year ending September 30, 1985, so as to amend subsection B 4(c) relating to the University of Alabama in Huntsville so as to provide that the \$900,000.00 appropriation "For High Technology Resource Foundation" shall read "For High Technology."

H. 27. (With Substitute): To amend Section 6 of Act No. 84-294, H. 229, Regular Session 1984 (Acts 1984, p. 567), which act makes appropriations for the executive, legislative and judicial departments for the fiscal year ending September 30, 1985, so as to amend subsection B 3(a) relating to Alabama A&M University so as to provide that the \$1,000,000 appropriation for "High Technology Resource Foundation" shall read for "Bio-High Technology."

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 28. To amend Section 16-36-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee.

H. 42. To exempt all persons employed in public and private schools from liability for certain communications to the parents of a minor child, law enforcement officers or health care providers concerning the suspected use, possession, sale or furnishing of any controlled substance by any minor child.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 52. (With Amendment): To create the Commission on Engineering Education; to provide for the appointment, terms, powers and duties of its members; to provide for the purpose of the commission; to prescribe that recommendations shall be made to the Legislature; to prescribe that members shall not receive any compensation but shall be reimbursed all actual and necessary expenses incident to their official business; and to provide for the conduct of the affairs of the commission.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

## RESOLUTIONS

The following resolutions were introduced:

By Reps. McKee and Hammett:

H. J. R. 13. CONGRATULATING MR. JAMES W. FUQUA, SR. ON HIS 90TH BIRTHDAY.

WHEREAS, Mr. James W. Fuqua, Sr. of Route One, Box 69-A, Andalusia, Alabama, a lifelong resident of Covington County, who was born February 9, 1895, has attained the great and notable age of ninety years; and

WHEREAS, his life has spanned the history of man from Henry Ford's first automobile in 1896 to Neil Armstrong's first giant step on the moon in 1969 to space shuttles in 1985; and

WHEREAS, in the year he was born Grover Cleveland was our nation's 25th president of 44 states; and

WHEREAS, he is one of the very few surviving veterans of World War I, having served his country honorably and faithfully in time of need; and

WHEREAS, he has lived through many tests and trials, including the Great Depression, and with his devoted wife, Naomi Stokes Fuqua, now

deceased, he reared seven children to whom he imparted his code of honesty and integrity with an example of active and enduring faith in God and exemplary manner of life; and

WHEREAS, he has been a productive and law abiding citizen all his years, exhibiting the qualities of industry, patriotism and love of freedom which so characterized our founding fathers of whom he is a worthy son; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend and congratulate Mr. James W. Fuqua, Sr. on the momentous occasion of his 90th birthday; and

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Fuqua as witness of our sincere regards and wishes for continued health, prosperity, and providence of almighty God.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Reps. Albright and Hall:

H. J. R. 14. COMMENDING MADISON COUNTY'S STEVE AND JACKIE TATE, A.F.B.'S OUTSTANDING YOUNG FARM FAMILY FOR 1984

WHEREAS, in consensus of highest commendation, the Legislature of Alabama, notes the selection of Madison County's Steve and Jackie Tate as our state's Outstanding Young Farm Family for 1984; and

WHEREAS, this prestigious honor of the Alabama Farm Bureau Federation was bestowed during the organization's 63rd annual meeting in Mobile, Alabama; and

WHEREAS, 27 year-old Steve Tate, who is a 1980 graduate of Auburn University with a degree in agricultural economics, works with his father and three brothers on the family's Meridianville farm which boasts a 1984 production record that included 1,300 acres of cotton harvested, 1,300 acres of soybeans, 700 acres of wheat and 50 acres of sorghum; and

WHEREAS, the Tate family farm, actually four farms operated as one, is divided into proprietorship portions with each son additionally holding a specific management responsibility; Steve Tate's particular area is the farm's marketing programs and he also owns and operates an additional 200 acres of his own; and

WHEREAS, Jackie Tate, though not directly involved in the farm's operation, actively promotes its number-one crop by serving as president of the Tennessee Valley Cotton Wives, an organization dedicated to the promotion of cotton and cotton products in the Tennessee Valley Area; she also, of course, is a busy homemaker and cares for their young daughter Kristen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Steve and Jackie Tate as the Alabama Farm Bureau Federations's 1984 Outstanding Young Farm Family and direct that they



FIRST EXTRAORDINARY SESSION  
2nd Day

35

receive a copy of this resolution, tendered in sincere praise and highest personal regard.

On motion of Rep. Albright, the rules were suspended and the resolution, H. J. R. 14, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Black removed as co-sponsor to the bill, H. 49.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 10:00 o'clock a.m., Friday, January 25, 1985.

THIRD DAY

House of Representatives  
Montgomery, Alabama  
Friday, January 25, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Charles Wynn, Pastor, Woodley East Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, deGraffenried, and Strong.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 4. COMMENDING LARRY ROSE OF EMMA SANSOM HIGH SCHOOL FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 5. COMMENDING VALLEY HEAD HIGH SCHOOL FOOTBALL TEAM ON DIVISION 1A STATE CHAMPIONSHIP.

Also:

H. J. R. 7. COMMENDING JEANNE PRUETT, NATIVE ALABAMIAN AND COUNTRY MUSIC STAR OF INTERNATIONAL FAME.

Also:

H. J. R. 8. COMMENDING TAYLOR FREELAND HARPER OF GRAND BAY, ALABAMA.

Also:

H. J. R. 9. COMMENDING DAVID N. WRIGHT OF MOBILE, ALABAMA, FOR DISTINGUISHED CONTRIBUTIONS TO THE BANKING INDUSTRY AND FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 10. CONGRATULATING MR. AND MRS. MILTON FIES NESBITT OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 11. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, STATE 4-A FOOTBALL CHAMPIONS FOR 1984.

Also:

H. J. R. 13. CONGRATULATING MR. JAMES W. FUQUA, SR. ON HIS 90TH BIRTHDAY.

Also:

H. J. R. 14. COMMENDING MADISON COUNTY'S STEVE AND JACKIE TATE, A.F.B.'S OUTSTANDING YOUNG FARM FAMILY FOR 1984.

McDOWELL LEE,  
Secretary.

### RESOLUTIONS

The following resolutions were introduced:

By Rep. Boles:

H. J. R. 15. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY LEGISLATIVE COMPENSATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study compensation and other related matters of legislators.

Said committee shall consist of three members of the House of Representatives to be appointed by the Speaker of the House of Representatives and three members from the Senate to be appointed by the President of the Senate. The members shall select a chairman from among themselves. The committee shall meet upon the call of the chairman. The committee members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day said members attend a meeting of the committee. Said compensation shall be paid out of any funds appropriated to the use of the legislature. Said committee shall report their findings and recommendations to the legislature by the sixteenth legislative day of the 1985 Regular Session. The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties, to be paid from funds appropriated to the use of the legislature.

On motion of Rep. Boles, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

By Rep. Ford:

H. J. R. 16. GIVING LEGISLATIVE APPROVAL TO THE ADMISSION OF THE STATE OF OKLAHOMA INTO THE SOUTHERN REGIONAL EDUCATIONAL COMPACT ORIGINALLY ENTERED INTO BY THE STATE OF ALABAMA AND OTHER SOUTHERN STATES ON FEBRUARY 8, 1948.

WHEREAS, by action of the Legislature and approval of the Governor, the State of Alabama is party to the Southern Regional Education Compact with the States of Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, pursuant to a Compact of February 8, 1948, and approved

by the Legislature on July 12, 1949, by Act 227, H. J. R. 42, Regular Session 1949 (Acts 1949, p. 327); and

WHEREAS, the State of Oklahoma has indicated its interest in becoming party to the said Compact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the admission of the State of Oklahoma be approved and that the State of Oklahoma become party to the Compact upon approval of its Legislature and Governor and upon approval of its admission by the other States party to the Compact.

BE IT FURTHER RESOLVED, That upon approval of this Resolution the Governor sign an engrossed copy of this Resolution for submission to the Southern Regional Education Board.

RESOLVED FURTHER, That this Resolution shall take effect upon its approval by the Governor.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Rep. Moore:

H. J. R. 17. COMMENDING THE MONTEVALLO HIGH SCHOOL BULLDOGS FOOTBALL TEAM ON AN OUTSTANDING SEASON.

WHEREAS, the Montevallo High School Bulldogs Class 3-A Football Team won playoff games of 18-7 and 46-20 against formidable opponents before falling 8 to 10 in the final playoff, and posted an outstanding 7-6 1984 season record; and

WHEREAS, the Bulldogs had many members who brought great honor to their school and alumni, placing three on the all-state and eight on the all-county rolls; and

WHEREAS, Head Coach Richard Gilliam, Assistant Coaches Bobby Pierson and Sammy Skinner, and Trainer Tony Berry led the Montevallo Bulldogs to achieve excellence, great execution, class, spirit and courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as an expression of our high praise and best wishes for continued successes, a copy of this resolution be sent to Head Coach Richard Gilliam, his assistant coaches and trainer, on behalf of their staff and the entire team, with a copy also provided for appropriate school display.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Rep. Moore:

H. J. R. 18. COMMENDING THE CALERA HIGH SCHOOL EAGLES FOOTBALL TEAM.

WHEREAS, the Calera High School Eagles Football Team posted a fine 6-5 playoff and regular season record which included four shut-outs, 2450

total yards offense, 2300 total yards defense rushing, 490 yards in kickoff returns; many members achieved individual honors, including All-State, All-Metro and All-Area, and the Eagles were the Area-10 Runner-up; and

WHEREAS, Head Coach Danny Alverson and Assistant Coaches Mark Lovett, Bobby Sherrer, and Gary Griffith are due much credit for their talents and expertise in leading their team to great execution, many achievements and spirit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the Calera High School Eagles football team on its outstanding 1984 record.

RESOLVED FURTHER, That copies of this resolution be sent to Head Coach Danny Alverson and his assistant coaches on behalf of the Eagles' football staff and team, with a copy also provided for appropriate school display.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Rep. Moore:

H. J. R. 19. COMMENDING THE SHELBY COUNTY WILDCATS FOOTBALL TEAM.

WHEREAS, the Shelby County Wildcats football team posted an outstanding 12-1 record during the 1984 season, losing only to Cherokee County 28-34 in a hard fought game; and

WHEREAS, Head Coach Ricky Seale and Assistant Coaches Joey Neal, Richard Winther, and Randy Terry led the Wildcats to many honors, including "Team of the Week" twice by the Shelby County Reporter, "95 Rock Team of the Week," "Shelby County Team of the Year" and "Channel 13 Team of the Week"; and

WHEREAS, the Shelby County Wildcats football team and the cheerleaders also enjoyed the support of faculty, parents, students, and other fans within the community who cheered them to victory game after game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend the Shelby County High School Wildcats football team and coaches on their outstanding 1984 football season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to principal Bennie Storie for appropriate school display, head coach Ricky Seale and his assistant coaches on behalf of the football staff, cheerleaders and entire team, so that they may know of our high praise and best wishes for continuing successes.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Rep. Moore:

H. J. R. 20. COMMENDING THE COOSA VALLEY ACADEMY, A.P.S.A. 2A REGIONAL AND STATE FOOTBALL CHAMPIONS.

WHEREAS, the Coosa Valley Academy football team won the Alabama Private School Association 2A West Region Championship and A.P.S.A. 2A State Football Championship after posting an outstanding 11-1 1984 regular season record, was named Shelby County Reporter Team of the Week and six players were named All-District Players and four won All-State Players honors; and

WHEREAS, Head Coach Bruce Breland and Assistant Coaches Bud Wilson, Bogie Wood and D. Richey are due much credit for their talents and skills in leading these young athletes to great execution, many achievements, sportsmanship, spirit and courage on and off the field of play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the 1984 Coosa Valley Academy High School Football Team for its superb record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Breland and his assistants, on behalf of the staff and entire 1984 Coosa Valley Academy High School squad, with a copy of the principal for appropriate display.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Rep. Lindsey:

H. J. R. 21. CONGRATULATING AND COMMENDING THE CHEROKEE COUNTY HIGH SCHOOL WARRIORS ON THEIR OUTSTANDING 1984 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama notes with highest commendation the outstanding 1984 football season record posted by the Cherokee County High School Warriors; and

WHEREAS, under veteran Head Coach Bobby Joe Johnson, the explosive Warriors headed to the State Playoffs following a solid 7-3, 1984 season record; and

WHEREAS, matched first against Alexandria High School, Cherokee County came from behind to take the Valley Cubs, 28-22; the Warriors then proceeded to claim victory over the Munford Lions, 18-13, in the second round; previously unbeaten St. Clair County, 38-27, in third-round play; and Wilson High School, 15-6, to clinch a spot against T. R. Miller High School for the State 4-A Championship; and

WHEREAS, though losing to the Brewton City powerhouse, Cherokee County ended their phenomenal season, 11-4 overall, and runner-up to the State Class 4-A Football Title; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Cherokee County High on its outstanding 1984 football season and direct that copies of this resolution be forwarded to Coach Johnson for appropriate presentation and display.

On motion of Rep. Lindsey, the rules were suspended and the resolution, H. J. R. 21, was adopted.

BILLS ON THIRD READING

And the bill:

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent District 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of District 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines to set forth the duty of each associate member.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0

*Yeas:*

Mr. Speaker, Adams, Beasley, Black, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Goodwin, Gray, Hall, Hammett, Harper, Johnson (R.G.), Johnson (Roy), Junkins, Marietta, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Seibels, Spratt, Starkey, Tanner, Trammell and Turner.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

Was read a third at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lindsey, McMillan, Marietta, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Preuitt, Rains, Richardson, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Warren and White (L).

—59

And the bill:

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Holley, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Preuitt, Rains, Richardson, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Warren, White (F) and White (L).

—60

And the bill:

H. 46. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker,



Penry, Preuitt, Rains, Reed, Richardson, Smith, Spratt, Starkey, Tanner, Turner, Warren, White (G) and White (L).

—63

And the bill:

H. 24. To extend, alter and rearrange the boundry lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blake, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Venable, White (G) and White (L).

—67

And the bill:

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt,

Preuitt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (G) and White (L).

—83

And the bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Was taken up.

#### AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 6:

On page 12, line 10, after the word “capital”, insert the following language:  
and any trust income

On p. 12, line 11, after the word “Fund” insert a period

On page 12, lines 11 and 12, delete the following language:

and shall transfer the trust income of The Alabama Heritage Trust Fund to the state general fund.

On page 12, lines 28 through 30, delete the following language:

paid directly into the general fund as it is received by the board, subject to appropriation and withdrawal by the legislature.

On page 12, line 28, after the word “be”, insert the following language:  
distributed as follows:

(a) Ten percent (10%) of said trust income shall annually be returned to The Alabama Trust Fund; and

(b) Ninety percent (90%) of said trust income shall annually be paid into a special fund to be administered by the department of revenue. Said fund shall be utilized exclusively as are monies received from the state income tax. Upon an annual determination of the amount of money provided by this subsection, the department of revenue shall reduce the amount of state income tax to equal said amount. The commissioner of revenue shall issue rules and regulations to administer the provisions of this subsection, provided, however, it is the intent of this amendment that ninety percent (90%) of the trust income be used proportionally to reduce state income tax.

#### AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hammett, to the bill, H. 6, was tabled.

Yeas 67; Nays 8.

*Yeas:*

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Flowers, Ford, Gaston, Goodwin, Hall, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Warren, White (F), White (G) and White (L).

—67

*Nays:*

Reps. Brooks, Dutton, Fuller, Gray, Hammett, Mikell, Poole and Venable.

—8

#### CO-SPONSORS ADDED

Reps. Butler, Tanner and Newman were added as co-sponsors to the bill, H. 6.

#### AMENDMENT OFFERED

Rep. Starr offered the following amendment to the bill, H. 6:

Amend H. B. 6, Section 5(b), on page 13, line 28 after the word “manner” by inserting the following language:

and subject to the provisions of Section 2, paragraphs 2 and 3;

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

#### AMENDMENT OFFERED

Rep. McKee offered the following amendment to the bill H. 6 as amended:

Amend H. B. 6 as follows:

On page 16, line 11 remove Section 4 in its entirety, renumber it as Section 5, and reinsert it after the following change:

On page 16, line 11, insert a new Section 4 which shall read as follows:

This trust fund shall be known as the George C. Wallace Trust Fund.

## AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. McKee to the bill, H. 6 as amended, was tabled.

Yeas 70; Nays 6.

*Yeas:*

Mr. Speaker, Bachus, Beers, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Onderdonk, Parker, Payne, Penry, Rains, Reed, Rice, Rogers, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—70

*Nays:*

Reps. Goodwin, Holmes, McDowell, Melton, Perdue and Preuitt.

—6

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION AND READY FOR THE TRANSACTION OF BUSINESS.

Also:

H. J. R. 4. COMMENDING LARRY ROSE OF EMMA SANSOM HIGH SCHOOL FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 5. COMMENDING VALLEY HEAD HIGH SCHOOL FOOTBALL TEAM ON DIVISION 1A STATE CHAMPIONSHIP.

Also:

H. J. R. 7. COMMENDING JEANNE PRUETT, NATIVE ALABAMIAN AND COUNTRY MUSIC STAR OF INTERNATIONAL FAME.

Also:

H. J. R. 8. COMMENDING TAYLOR FREELAND HARPER OF GRAND BAY, ALABAMA.

Also:

H. J. R. 9. COMMENDING DAVID N. WRIGHT OF MOBILE, ALABAMA, FOR DISTINGUISHED CONTRIBUTIONS TO THE BANKING INDUSTRY AND FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 10. CONGRATULATING MR. AND MRS. MILTON FIES NESBITT OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 11. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, STATE 4-A FOOTBALL CHAMPIONS FOR 1984.

Also:

H. J. R. 13. CONGRATULATING MR. JAMES W. FUQUA, SR. ON HIS 90TH BIRTHDAY.

Also:

H. J. R. 14. COMMENDING MADISON COUNTY'S STEVE AND JACKIE TATE, A.F.B.'S OUTSTANDING YOUNG FARM FAMILY FOR 1984.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### H. 6. RESUMED AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 6 as amended:

In Section 3, page 5, line 17, after the word Representative, add the following language:

,two of whom must be black persons, one of whom shall be appointed by the Governor and one whom shall be appointed by the Lt. Governor.

#### AMENDMENT LOST

And the amendment was lost.

Yeas 43; Nays 46.

Yeas:

Mr. Speaker, Albright, Black, Britnell, Bryant, Buskey (James), Buskey (John), Carter, Clark (W), Cosby, Davis, Dutton, Escott, Flowers, Goodwin, Grayson, Grouby, Holley, Holmes, Johnson (Roy), Junkins, Kennedy, Lauderdale, Lindsey, McDowell, Melton, Nicholson, Parker, Payne, Perdue, Pratt, Preuitt,

Reed, Rogers, Seibels, Spratt, Strakey, Thomas, Turner, Warren, White (F), White (G) and Zoghby.

—43

*Nays:*

Reps.: Adams, Beasley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Clark (J), Coleman, Crow, Faulk, Ford, Fuller, Gaston, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Newman, Onderdonk, Penry, Rains, Rice, Richardson, Sasser, Starr, Tanner, Turnham, Venable and White (L).

—46

#### AMENDMENT OFFERED

Rep. Holmes offered the following amendment No. 2 to the bill, H. 6 as amended:

In Section 2, page 4, immediately following line 1, add the following language:

It is hereby expressly provided, however, that the governor and his agents, the board members and their agents, and any financial advisors or investment agents of the board, and any other person or corporation acting on behalf of the board shall be prohibited from investing any funds of the trust in any corporation, stock, bond, mutual fund or other investment or financial concern having any financial dealings in or with either the government of the nation of South Africa or with any person doing business in or with South Africa.

#### AMENDMENT TABLED

On motion of Rep. Coburn, the amendment No. 2 offered by Rep. Holmes to the bill, H. 6 as amended, was tabled.

Yeas 64; Nays 26.

*Yeas:*

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Saser, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and White (L).

—64

*Nays:*

Reps.: Albright, Black, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Coleman, Davis, Dutton, Escott, Grayson, Holley, Holmes,

Johnson (Roy), Junkins, Kennedy, McDowell, Melton, Newman, Parker, Perdue, Reed, Rogers, Spratt and Thomas.

—26

#### AMENDMENT OFFERED

Rep. Poole offered the following amendment to the bill, H. 6 as amended:

Amend H. B. 6, page 2, Section 2 (1) beginning on line 28, after the word "by" by striking ~~obligations described in subdivisions (2) and (3) of this definition~~, and by inserting in lieu thereof the following:

bonds, notes and other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America and bonds, debentures, notes or other evidences of indebtedness issued or guaranteed by any federal agencies or government-sponsored enterprises authorized to issue their own debt instruments, including, without limitation to, the following: Federal Farm Credit Bank, Federal Intermediate Credit Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, Federal Banks for Cooperatives, Federal Home Loan Banks, Federal Home and Loan Mortgage Association or the Farmers Home Administration,

Further amend H. B. 6, page 3, Section 2 (2) and (3) beginning on line 1 by striking lines 1 through 16 in their entirety and renumbering the following subdivisions accordingly.

Further amend H. B. 6, page 3, Section 2 (4), line 21 by striking line 21 in its entirety and inserting in lieu thereof the following:

securing demand deposits described in subdivision (1) of this definition; and

Further amend H. B. 6, page 3, Section 2 (5), line 30 by striking Line 30 in its entirety and inserting in lieu thereof the following:

obligations securing demand deposits described in subdivision (1) of this

#### AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Poole to the bill, H. 6 as amended, was tabled.

Yeas 59; Nays 17.

*Yeas:*

Mr. Speaker, Adams, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bugg, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Flowers, Ford, Goodwin, Gray, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lauderdale, McMillan, Marietta, Martin, Mathis, Moore, Newman, Onderdonk, Parker, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable and Warren.

—59

*Nays:*

Reps. Beasley, Bryant, Burke, Coleman, Cosby, Davis, Escott, Faulk, Holley, Kennedy, Lindsey, Mitchell, Nicholson, Poole, Rogers, Spratt and Zoghby.

—17

#### AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 6 as amended:

On page 5, section 30, line 15, after the word "governor," add the following: "one of whom shall be a woman."

#### AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Zoghby to the bill, H. 6 as amended, was tabled.

Yeas 55; Nays 25.

*Yeas:*

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Faulk, Flowers, Gaston, Goodwin, Gray, Hammett, Harper, Hettinger, Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mitchell, Moore, Onderdonk, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Venable, White (F) and White (G).

—55

*Nays:*

Reps.: Albright, Bryant, Bugg, Buskey (James), Buskey (John), Clark (W), Coleman, Davis, Dutton, Escott, Ford, Grouby, Hall, Harvey, Junkins, Mikell, Newman, Parker, Pedue, Poole, Pratt, Turner, Turnham, Warren and Zoghby.

—25

#### AMENDMENT OFFERED

Rep. Rains offered the following amendment to the bill, H. 6 as amended:

Amend H.B. 6 by adding the following after the period on line 17 page 5:

"One appointee shall be blind"

#### AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Rains to the bill, H. 6 as amended, was tabled.

Yeas 60; Nays 17.

*Yeas:*

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Faulk, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Kvalheim,



FIRST EXTRAORDINARY SESSION  
3rd Day

51

Laird, Lauderdale, Lindsey, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Onderdonk, Payne, Penry, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Venable, White (F) and White (G).

—60

*Nays:*

Reps. Albright, Black, Bryant, Buskey (John), Clark (W), Coleman, Davis, Dutton, Ford, Hall, Junkins, McKee, Newman, Nicholson, Poole, Spratt and Turnham.

—17

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 16. GIVING LEGISLATIVE APPROVAL TO THE AD-MISSION OF THE STATE OF OKLAHOMA INTO THE SOUTHERN REGIONAL EDUCATIONAL COMPACT ORIGINALLY ENTERED INTO BY THE STATE OF ALABAMA AND OTHER SOUTHERN STATES ON FEBRUARY 8, 1948.

Also:

H. J. R. 17. COMMENDING THE MONTEVALLO HIGH SCHOOL BULLDOGS FOOTBALL TEAM ON AN OUTSTANDING SEASON.

Also:

H. J. R. 18. COMMENDING THE CALERA HIGH SCHOOL EAGLES FOOTBALL TEAM.

Also:

H. J. R. 19. COMMENDING THE SHELBY COUNTY WILDCATS FOOTBALL TEAM.

Also:

H. J. R. 20. COMMENDING THE COOSA VALLEY ACADEMY, A.P.S.A. 2A REGIONAL AND STATE FOOTBALL CHAMPIONS.

Also:

H. J. R. 21. CONGRATULATING AND COMMENDING THE CHEROKEE COUNTY HIGH SCHOOL WARRIORS ON THEIR OUT-  
STANDING 1984 FOOTBALL SEASON.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Menton, Bedford, Cooley, and Goodwin:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 35. State Administration.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators deGraffenried and Bishop (With Notice and Proof):

S. 3. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 3 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 6 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 7 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 9 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 10 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 11 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Strong (With Notice and Proof):

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 12 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 3. Local Legislation No. 1.
- S. 6. Local Legislation No. 1.
- S. 7. Local Legislation No. 1.
- S. 9. Local Legislation No. 1.
- S. 10. Local Legislation No. 1.
- S. 11. Local Legislation No. 1.
- S. 12. Local Legislation No. 1.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators deGraffenried and Bishop:

S. 30. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all

contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 30. Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Strong (With Notice and Proof):

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 14 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Strong (With Notice and Proof):

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 15 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees;

to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 16, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Bennett and Parsons (With Notice and Proof):

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 4, AS REQUIRED IN THE GENERAL ACS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

By Senator Bennett (With Notice and Proof):

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 5, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 14. Local Legislation No. 1.
- S. 15. Local Legislation No. 1.
- S. 16. Local Legislation No. 1.
- S. 4. Local Legislation No. 2.
- S. 5. Local Legislation No. 2.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Sen. Cooley (With Notice and Proof):

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 8, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Sen. Strong (With Notice and Proof):

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 8. Local Legislation No. 1.

S. 13. Local Legislation No. 1.

#### H. 6 RESUMED

#### AMENDMENT OFFERED

Reps. Venable, Grouby, Turner, Hammett and Johnson (R.G.) offered the following amendment to the bill, H. 6 as amended:

Amend House Bill 6, Section 4, page 12, between lines 19 and 20, by adding subsection 4(c) as follows:

(c) Provided, however, beginning with state fiscal year 1989-90, one percent of the income from The Alabama Trust Fund shall be reinvested in The Alabama Trust Fund; two percent of such income shall be reinvested in the following year; and one additional percent of such income each subsequent year shall be reinvested until a total of ten percent of such income from The Alabama Trust Fund each year shall be reinvested in The Alabama Trust Fund.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 1.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

*Nay:* Rep. Holmes.

—1

## CO-SPONSOR ADDED

Rep. Venable was added as co-sponsor to the bill, H. 6 as amended.

And the bill, H. 6 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 12.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—85

*Nays:*

Reps. Black, Buskey (James), Clark (W), Davis, Escott, Holmes, Kennedy, McDowell, Melton, Reed, Rogers and Thomas.

—12

## CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 6:

Albright, Beasley, Beers, Biddle, Brakefield, Browder, Bugg, Burke, Butler, Coleman, Dutton, Faulk, Flowers, Ford, Gray, Grouby, Hall, Hammett, Harvey, Johnson (Roy), Laird, Lauderdale, Mitchell, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Richardson, Venable, Warren and White (G).



FIRST EXTRAORDINARY SESSION  
3rd Day

59

And the bill:

H. 2. (With Amendment): Relating to Tuscaloosa County; providing further for the distribution of the beer tax levied by Section 28-3-190, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1 said committee amendment being as follows:

Amend H. B. 2 on page 1, Section 1, Sub-section (b) 1. on line 27, by striking after the number "1." the word ~~Forty-seven~~ and inserting in lieu thereof the following:

Fifty

Amend further on line 29, by striking after the number "2." the word ~~Thirty-one~~ and inserting in lieu thereof the following:

Thirty-six

Further amend on page 2, Section 1, Sub-section (b) 5. on line 3, by striking after the number "5." the word ~~three~~ and inserting in lieu thereof the following:

Two

Further amend on line 5, by striking after the number "6." the word ~~One~~ and insert in lieu thereof the following:

Two

Further amend beginning on line 7 by deleting Subsection 7 in its entirety through line 11.

AMENDMENT TABLED

On motion of Rep. Mitchell, the amendment reported by the Standing Committee on Local Legislation No. 1 was tabled.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (James), Butler, Campbell, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Johnson (Roy), Kvalheim, Lauderdale, McMillan, Mathis, Melton, Mitchell, Moore, Newman, Parker, Poole, Preuitt, Rains, Richardson, Smith, Starkey, Turner, Turnham, White (G) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 2:

Amend H. B. 2, page 2, Section 1 (b) 5. by striking the word ~~Three~~ and inserting in lieu thereof the following:

Two

Further amend H. B. 2, page 2, Section 1 (b) 6. by striking the word ~~one~~ and inserting in lieu thereof the following:

Two

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Turner, Turnham, Venable, White (L) and Zoghby.

—71

And the bill, H. 2 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (R G), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—90

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 22. COMMENDING CECIL BISHOP, PRESIDING BISHOP, TENTH EPISCOPAL DISTRICT OF THE AME ZION CHURCH.

WHEREAS, the Alabama Legislature notes the forthcoming appearance, February 1, 1985, of Bishop Cecil Bishop on the campus of Alabama State University in Montgomery for the purpose of delivering an address during the observance of Black History Month; and

WHEREAS, a graduate of Knoxville College with the B.A. degree, Howard University with the Master of Divinity degree, Wesley Theological Seminary with the Master of Sacred Theology degree, and of Livingstone College with the Doctor of Divinity degree, Cecil Bishop was elected in May 1980, the 78th Bishop in succession in the African Methodist Episcopal Zion Church; he presides in the Tenth Episcopal District comprising Southern Alabama, Alabama, Cahaba, and Central Alabama Conferences; and

WHEREAS, born and reared in Pittsburgh, Pennsylvania, Cecil Bishop, following ordination, has served various pastorates in North Carolina, Washington, D. C., and Maryland, and has further served as Instructor in the Department of Religion at Bennett College and as Associate Professor of Practical Theology at Hood Theological Seminary; and

WHEREAS, in other denominational responsibilities, the Right Reverend Bishop has served as Chairman of the Board of Evangelism and the Board of Worship and Ritual; as Vice Chairman of the Board of Christian Education—Schools and Colleges, Board of Connectional Trustees and the Board of Hood Theological Seminary; and as a member of the Board of Trustees of Livingstone College; his ecumenical responsibilities include membership in the National Council of Churches of Christ in the U. S. A., The Congress of National Black Churches, the World Methodist Council and the World Council of Churches; and

WHEREAS, further, from 1980 to 1984, The Right Reverend Bishop served with the Six Annual Conferences in West Africa located in Liberia, Ghana and Nigeria; the district was composed of 233 churches with some 72,000 members for which full responsibility he was charged, as well as with overall supervision of 400 students in seven schools, and two medical clinics; and

WHEREAS, the State of Alabama is indeed honored to welcome Bishop Cecil Bishop to our State and to the campus of Alabama State University during the observance of Black History Month; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Right Reverend Cecil Bishop for extraordinary accomplishment and service to the Tenth Episcopal District of the African Methodist Episcopal Zion Church and direct that he be presented with a copy of this resolution on the auspicious occasion of his visit to Alabama State University.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 22, was adopted.

Also:

By Reps. Buskey (John), Kennedy, Thomas, Black, Davis, Escott, Buskey (James) and Holmes:

H. J. R. 23. MOURNING THE DEATH OF CALLIE L. WARREN OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep sadness and regret, records the death of Callie L. Warren of Montgomery, Alabama, on January 17, 1985; and

WHEREAS, Dr. Warren, at the time of her death, was serving as head of the Art Department of Alabama State University, and was a member of numerous civic, social and professional organizations; and

WHEREAS, among her most prestigious affiliations were membership in Phi Beta Kappa, Alpha Kappa Alpha Sorority, and the Council for Humanities; and

WHEREAS, Dr. Warren further was a member of Links International and served as well on the Museum Board; and

WHEREAS, the death of Dr. Callie L. Warren has indeed left a deep void in the hearts of her beloved family and friends, and in the lives of her students, professional associates and the community she served so faithfully for so many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Callie L. Warren of Montgomery, Alabama, and extend deepest sympathy to her husband and son, Ernest L. Warren and James B. Warren; her mother, Mrs. Ella E. Brown; to her brothers and sisters; and to other family members, whose inconsolable grief we share and for whom copies of this resolution shall be provided.

On motion of Rep. Buskey (John), the rules were suspended and the resolution, H. J. R. 23, was adopted.

Also:

By Rep. Buskey (John), Bryant, Starr, Buskey (James) and Holmes:

H. J. R. 24. MOURNING THE DEATH OF ROSCOE ALEXANDER WILLIAMS OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the untimely death of Roscoe Alexander Williams of Montgomery, Alabama, on January 19, 1985, at the early age of just 59 years; and

WHEREAS, a veteran of the United States Navy with active service during World War II, Mr. Williams was a prominent Montgomery entrepreneur who was owner and/or part owner of several area businesses; and

WHEREAS, Roscoe Alexander Williams, who received the Bachelor's degree, in electrical engineering, from Tuskegee Institute, was a charter member of Gamma Phi Chapter of Alpha Phi Alpha Fraternity, Incorporated; and

WHEREAS, he further was a member of Dexter Avenue King Memorial Baptist Church, the Alabama Chapter of the International Association of Electrical Inspectors, Montgomery Chamber of Commerce, Optimist Club International, Montgomery Tuskegee Alumni Club and the Cleveland Avenue Branch of the YMCA; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the untimely death of Montgomery businessman and civic leader, Roscoe Alexander Williams of Montgomery, Alabama, and extend our heartfelt sympathy to his wife and mother, sisters, brothers and other family members.

BE IT FURTHER RESOLVED, That in declaration of our shared sorrow and grief, a copy of this resolution shall be forwarded to Mr. Williams' family.

On motion of Rep. Buskey (John), the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McDowell:

H. R. 25. MOURNING THE DEATH OF GERTRUDE WILLIAMS SUTTLES McCALL OF BESSEMER, ALABAMA.

#### BILLS ON THIRD READING RESUMED

And the bill:

H. 10. To propose an amendment to the Constitution of Alabama of 1901, which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—84

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 10:

Reps. Albright, Biddle, Britnell, Bryant, Buskey (John), Butler, Carter, Clark (W), Coleman, Dutton, Escott, Ford, Gaston, Goodwin, Grouby, Hammett, Harvey, Johnson (R.G.), Johnson (Roy), Kvalheim, Lauderdale, McMillan, Melton, Newman, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Venable and Warren.

And the bill:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of 1985 Second Special Session of the Legislature

of Alabama that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Was taken up.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Holley, the motion offered by Rep. Gray to postpone consideration of the bill, H. 11, to the seventh legislative day, was tabled.

Yeas 80; Nays 6.

*Yeas:*

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—80

*Nays:*

Reps. Bachus, Beers, Gray, McDowell, Seibels and White (G).

—6

#### AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 11:

Amend House Bill 11 on page 1 by deleting line 23 and substituting therefor the following:

"Special Session of the Legislature of Alabama that convened on January 23, 1985, that"

and further on page 6, by deleting lines 23 and 24 and substituting therefor the following:

“troduced at that Special Session of the Legislature that convened on January 23, 1985. Each member shall hold office for the term of his”

and further on page 22, by deleting lines 35 and 36 and substituting therefor the following:

“at that Special Session of the Legislature of Alabama that convened on January 23, 1985.”

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—88

And the bill:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition

of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

Was read a third time at length and passed.

Yeas 93; Nays 1.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—93

*Nay:* Rep. Gray.

—1

#### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 11.

Reps.: Biddle, Brakefield, Britnell, Bryant, Buskey (John), Butler, Clark (W), Davis, Dutton, Escott, Gaston, Hammett, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mikell, Newman, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Starkey, Thomas and Turnham.

#### PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Buskey (John) voting "Nay" on the bill, H. 6 as amended.

And the bill:

H. 5. (With Substitute): To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency and the State Liability Insurance Fund for the fiscal year ending September 30, 1985.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 5, said substitute being as follows:

#### A BILL TO BE ENTITLED AN ACT

To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and



Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1(a) In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, the following amounts to be used solely for the purpose of providing performance salary advances for state employees.

(1) Department of Public Health .....	750,000
(2) Department of Pensions and Security .....	1,000,000
(3) Department of Mental Health Institutional Treatment and Care Program .....	2,100,000
(4) Alabama Forestry Commission .....	225,000

(b) Such funds as set out above shall be used solely to make payment for the salary of any employee who otherwise qualifies during the fiscal year 1984-85 for a performance salary adjustment within their assigned pay range, but may not receive such salary adjustment due to a declaration by the departments, as set out in Section 1(a), that funds are unavailable for such purpose. It being the intent of the Legislature that appropriate compensation to such employees shall be retroactive from the time the performance salary advancement was due.

Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, the following:

(1) Alabama Department of Environmental Management-Environmental Management Program .....	304,514
(2) Department of Agriculture and Industries-Agricultural Inspection Services Program .....	225,000
(3) Department of Corrections (for Limestone Prison) .....	7,750,000
(4) Military Department-Armory Commission-Military Operations Program .....	1,250,000
(For capital outlay for construction and repair of armories)	
(5) Department of Public Safety .....	250,000
(For purchase of automobiles)	
(6) Emergency Management Agency- Readiness and Recovery Program .....	50,000
(For matching Funds for purchase of Doppler Radar System)	
(7) State Liability Insurance Fund .....	1,000,000
(8) State Oil and Gas Board .....	385,000
(For capital outlay purposes only)	

Section 3. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, \$690,000 to the Department of Public Safety to be conditional upon the passage of legislation

authorizing payment of certain retroactive salaries for the fiscal year 1982-83.

Section 4. All monies appropriated in Section 1, 2 and 3 are conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby specifically repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—83

#### AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 5 as amended:

On page 3, in Section 3, on line 10 after the period insert the following:

Provided however, said funds shall not be used by the Department of Public Safety to pay salaries of any employee who did not perform his or her actual work duties during certain periods when a portion of said employees' salaries were not paid.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 1.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (John),

Butler, Campbell, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

*Nay:* Rep. Carothers.

—1

And the bill:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

As thus amended was read a third time at length and passed.

Yeas 96; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—96

### CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 5:

Mr. Speaker, Beasley, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (John), Butler, Carter, Clark (D), Coleman, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Holley, Holmes, Johnson (R.G.), Johnson, (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Melton, Moore, Newman, Nicholson, Parker, Poole, Rains, Reed, Richardson, Smith, Starkey, Trammell, Turnham, Venable, Warren, White (F) and Zoghby.

And the bill:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama

Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Carter (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenreid:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, deGraffenried, and Strong.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

The resolution, S. J. R. 2, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 1. COMMENDING NASH NELSON ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

By Senators deGraffenried, Bishop, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabaniss, Cooley, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 3. CONGRATULATING JOE NAMATH, FORMER CRIMSON TIDE QUARTERBACK AND A 1985 INDUCTEE INTO THE PRO FOOTBALL HALL OF FAME.

Also:

By Senator Bailey:

S. J. R. 4. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE FOOD AND FIBER INDUSTRY.

Also:

By Senator Little:

S. J. R. 5. COMMENDING DOCTOR ANN THOMPSON, DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

By Senators Little and Bailey:

S. J. R. 6. MOURNING THE DEATH OF CLARENCE ALBERT BROGDEN OF HEADLAND, ALABAMA.

Also:

By Senator Little:

S. J. R. 7. MOURNING THE DEATH OF ALEXANDER NUNN OF LOACHAPOKA, ALABAMA.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 1, S. J. R. 3, S. J. R. 4, S. J. R. 5, S. J. R. 6, and S. J. R. 7, the titles of which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S. J. R. 19. ENDORSING THE PROCLAMATION OF JANUARY 1985 AS MEDICAL EYE MONTH.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 19, the title of which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bedford and Mitchem:

S. J. R. 20. COMMENDING HEAD COACH KENNETH McKINNEY OF LAMAR COUNTY HIGH SCHOOL.

Also:

By Senator Strong:

S. J. R. 21. COMMENDING WAQ, TV3, A COMMUNITY TELEVISION STATION.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 20 and S. J. R. 21, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama

that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

JIMMY CLARK,  
Chairman.

And the bill, H. 11 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

JIMMY CLARK,  
Chairman.

And the bill, H. 5 as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES

Rep. Grayson offered the motion to suspend the rules in order to take up out of order the bill, H. 27.

JOURNAL OF THE HOUSE, 1985  
3rd Day

MOTION TO ADJOURN

Rep. Ford offered the motion that the House adjourn until 6:00 o'clock p.m., Monday, January 28, 1985.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Buskey (James) that the House adjourn until 10:00 o'clock a.m., Saturday, January 26, 1985, was lost.

The question was then on the motion offered by Rep. Ford that the House adjourn until 6:00 o'clock p.m., Monday, January 28, 1985, and the motion was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:25 A.M. on January 25, 1985.

H. J. R. 2

H. J. R. 4

H. J. R. 5

H. J. R. 7

H. J. R. 8

H. J. R. 9

H. J. R. 10

H. J. R. 11

H. J. R. 13

H. J. R. 14

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Rep. Ford, the House adjourned until 6:00 o'clock p.m., Monday, January 28, 1985.

FOURTH DAY

House of Representatives  
Montgomery, Alabama  
Monday, January 28, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Joe Leverette, Pastor, Panola Baptist Church, Lapine, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg,



Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—102

A quorum was present.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

#### LEAVE OF ABSENCE

At the request of Rep. Lauderdale, leave of absence was granted for Rep. Blakeney.

At the request of Rep. Holley, leave of absence was granted for Rep. Campbell.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 1. COMMENDING NASH NELSON ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

S. J. R. 3. CONGRATULATING JOE NAMATH, FORMER CRIMSON TIDE QUARTERBACK AND A 1985 INDUCTEE INTO THE PRO FOOTBALL HALL OF FAME.

Also:

S. J. R. 4. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROMOTE FAIR TRADE AND PRESERVE AMERICAN JOBS IN THE FOOD AND FIBER INDUSTRY.

Also:

S. J. R. 5. COMMENDING DOCTOR ANN THOMPSON, DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

S. J. R. 6. MOURNING THE DEATH OF CLARENCE ALBERT BROGDEN OF HEADLAND, ALABAMA.

Also:

S. J. R. 7. MOURNING THE DEATH OF ALEXANDER NUNN OF LOACHAPOKA, ALABAMA.

Also:

S. J. R. 19. ENDORSING THE PROCLAMATION OF JANUARY 1985 AS MEDICAL EYE MONTH.

Also:

S. J. R. 20. COMMENDING HEAD COACH KENNETH McKINNEY OF LAMAR COUNTY HIGH SCHOOL.

Also:

S. J. R. 21. COMMENDING WAQ, TV3, A COMMUNITY TELEVISION STATION.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### BILLS ON SECOND READING

Rep. Clark, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 30. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 3. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

S. 8. Relating the Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 36. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

H. 43. Relating to Jefferson County; fixing the salary of the Deputy Probate Judge.

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained

by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

H. 17. To alter and rearrange the boundaries of the City of Gardendale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

H. 19. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

### RESOLUTIONS

The following resolutions were introduced:

By Rep. Davis:

H. J. R. 26. CONGRATULATING MRS. LOUPHENIA THOMAS, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, UPON HER RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

WHEREAS, Mrs. Louphenia Thomas was the first black woman to serve in the House of Representatives; and

WHEREAS, Mrs. Thomas has had an outstanding career in the field of cosmetology; and

WHEREAS, Mrs. Thomas served on the National Democratic Committee; and

WHEREAS, she has long been recognized as an outstanding civic worker and leader; and

WHEREAS, Mrs. Thomas is now culminating many years of service to Lawson State Community as a faculty member; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend Mrs. Louphenia Thomas for her many years of dedicated service to Lawson State Community College, and congratulate her upon her retirement.

BE IT FURTHER RESOLVED, That Mrs. Thomas be given a copy of this resolution tendered in warm and sincere regard by this body for her service and accomplishments.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Rep. Davis:

H. J. R. 27. CONGRATULATING MR. JOHN BELL UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

WHEREAS, Mr. John Bell has taught brick masonry at Lawson State Community College for many years; and

WHEREAS, he has served as Chairperson of the Building Trades Technical Division; and

WHEREAS, Mr. Bell has been well involved in community and church related activities; and

WHEREAS, he is highly regarded by the Lawson State family; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend Mr. John Bell for his many years of dedicated service to Lawson State Community College, and congratulate him upon his retirement.

BE IT FURTHER RESOLVED, That Mr. Bell be given a copy of this resolution so that he may know of our sincere regard for his service and accomplishments.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Rep. Davis:

H. J. R. 28. CONGRATULATING MR. RALPH GARREN UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

WHEREAS, Mr. Ralph Garren has worked at Lawson State Community College for many years; and

WHEREAS, the area of carpentry was his major concentration; and

WHEREAS, Mr. Garren was a highly regarded leader in the union, having been given the nickname, "Unionman"; and

WHEREAS, he is a diligent church and civic worker, in addition to being a loyal family man, and well liked by the Lawson State family; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend Mr. Ralph Garren for his many years of dedicated service to Lawson State Community College, and congratulate him upon his retirement.

BE IT FURTHER RESOLVED, That Mr. Garren be given a copy of this resolution tendered in warm regard for his service and accomplishments.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 28, was adopted.

#### BILLS ON THIRD READING

And the bill:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Was taken up.

#### AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 48:

ON LINE 28:

but no lawyer shall be required to pay a license tax until the first day of October following his admission to the bar.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beers, Black, Blake, Bowling, Brakefield, Brooks, Bryant, Burke, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Ford, Fuller, Gaston, Gray, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Richardson, Seibels, Smith, Starkey, Starr, Turner, Turnham, White (G) and Zoghby.

—61

And the bill, H. 48 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

*Yeas:*

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Brakefield, Bryant, Burke, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Harper, Harvey, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, White (G) and Zoghby.

—65

*Nay:* Rep. Brooks.

—1

And the bill:

H. 35. To amend Section 36-1-6. Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Bowling, Brakefield, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Pratt, Rains, Rice, Richardson,

Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, White (G) and Zoghby.

—70

### ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 2:00 o'clock p.m., Tuesday, January 29, 1985.

### FIFTH DAY

House of Representatives  
Montgomery, Alabama  
Tuesday, January 29, 1985

The House met pursuant to adjournment.

### PRAYER

The session was opened with prayer by Pastor Marvin Wilson, Lakewood Chapel, Montgomery, Alabama.

### ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

A quorum was present.

### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.



On motion of Rep. Clark J., the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Lauderdale, leave of absence was granted for Rep. Blakeney due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 22. COMMENDING CECIL BISHOP, PRESIDING BISHOP, TENTH EPISCOPAL DISTRICT OF THE AME ZION CHURCH.

Also:

H. J. R. 23. MOURNING THE DEATH OF CALLIE L. WARREN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 24. MOURNING THE DEATH OF ROSCOE ALEXANDER WILLIAMS OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 26. CONGRATULATING MRS. LOUPHENIA THOMAS, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, UPON HER RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 27. CONGRATULATING MR. JOHN BELL UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 28. CONGRATULATING MR. RALPH GARREN UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall

preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Also:

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Also:

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

Also:

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

McDOWELL LEE,  
Secretary.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 8. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 51. (With Amendment) To make a conditional appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission, payable from the general or other fund of the state treasury, effective immediately.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 34. To amend Code of Alabama 1975. Section 9-17-26, so as to change the due date for reports of production of natural gas under the Conservation and Production Tax.

H. 32. To amend the Code of Alabama 1975. Section 40-20-5, so as to change the due date for reports of production of natural gas under the Privilege Tax on Production.

H. 49. To provide that any State Commander of a Veterans Organization shall be entitled to distinctive auto license plate; to provide for the distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

H. 44. To further amend Section 40-23-4. Code of Alabama 1975, as last amended relating to sales tax exemptions so as to repeal a certain partial exemption on the payment of such tax for certain blind vendors; to further amend Section 40-23-5, Code of Alabama 1975, relating to exemptions from certain state, county, and municipal sales and use taxes, so as to include certain blind vendors.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Substitute) To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof, all territory

now within such corporate limits thereof and also certain additional territory described by metes and bounds.

### RESOLUTION

The following resolution was introduced:

By Rep. Seibels:

H. J. R. 29. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama is deeply grateful for a recent opportunity to tour the facilities of an Alabama enterprise which, for the past two years, has had a tremendous and highly favorable impact on the economy of all Alabama; and

WHEREAS, through the courtesy of former United States Ambassador Marvin Warner and Mr. Jerry Sklar, owner and president, respectively, of the Birmingham Stallions, members of the Legislature were conducted on a tour of the magnificent Legion Field facilities of the Stallions, one of the twelve initial teams of the United States Football League; and

WHEREAS, the tour's participants also were afforded the opportunity of viewing a Stallions' practice and had the pleasure of speaking with a number of home state players as well as team members from neighboring Mississippi and other Southeastern states; and

WHEREAS, during luncheon, remarks appropriate to the occasion were made by Ambassador Warner and Mr. Sklar, who served as hosts along with other members of the Stallions' staff; distinguished speakers also included Speaker Tom Drake, Mr. Sumner with the Lieutenant Governor's office, and Mr. Ferrell Patrick who represented Governor George Wallace; and

WHEREAS, it is further to be noted, with interest and pride, that Ambassador Warner is a Birmingham native and is a corporate financial executive of national prominence; he is a distinguished native son whose investment in the Birmingham franchise is an investment in the future of our state; for this we are indeed grateful, as are all Alabama citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in grateful recognition of outstanding contributions to the State of Alabama, we hereby most highly commend Ambassador Marvin Warner and Mr. Jerry Sklar of the Birmingham Stallions.

BE IT FURTHER RESOLVED, That Messrs. Warner and Sklar, as well as the Stallions' staff, receive copies of this resolution executed in sincere regard and in expression of appreciation for the many courtesies they have extended to the Alabama Legislature.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 29, was adopted.

### HOUSE BILLS INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), when the House adjourns today, all House Bills remaining on the Calendar will be indefinitely postponed.

S. 3 INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), the bill:

S. 3. Relating to Tuscaloosa County government and its public officers and administration: to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Was indefinitely postponed.

REPORT OF THE STANDING COMMITTEE  
ON RULES OF ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions; to-wit:

H. J. R. 16. GIVING LEGISLATIVE APPROVAL TO THE ADMISSION OF THE STATE OF OKLAHOMA INTO THE SOUTHERN REGIONAL EDUCATIONAL COMPACT ORIGINALLY ENTERED INTO BY THE STATE OF ALABAMA AND OTHER SOUTHERN STATES ON FEBRUARY 8, 1948.

Also:

H. J. R. 17. COMMENDING THE MONTEVALLO HIGH SCHOOL BULLDOGS FOOTBALL TEAM ON AN OUTSTANDING SEASON.

Also:

H. J. R. 18. COMMENDING THE CALERA HIGH SCHOOL EAGLES FOOTBALL TEAM.

Also:

H. J. R. 19. COMMENDING THE SHELBY COUNTY WILDCATS FOOTBALL TEAM.

Also:

H. J. R. 20. COMMENDING THE COOSA VALLEY ACADEMY, A.P.S.A. 2A REGIONAL AND STATE FOOTBALL CHAMPIONS.

Also:

H. J. R. 21. CONGRATULATING AND COMMENDING THE CHEROKEE COUNTY HIGH SCHOOL WARRIORS ON THEIR OUTSTANDING 1984 FOOTBALL SEASON.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### BILLS ON THIRD READING

And the bill:

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492. H. 822. 1984 Regular Session.

Was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Bachus, Biddle, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McKee, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), and White (L).

—64

And the bill:

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Butler, Carothers, Carter, Clark (D), Clark (J), Clark W., Crow,

Davis, Faulk, Ford, Gaston, Goodwin, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G), and White (L).

—65

And the bill:

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Was read a third time at length and passed.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Beasley, Black, Box, Brakefield, Brooks, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McKee, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—72

And the bill:

S. 9. Relating to Cullman County; to repeal Act No. 84-628. H. 823. 1984 Regular Session, relating to compensation of associate county commissioners.

Was read a third time at length and passed.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Black, Box, Brakefield, Brooks, Bryant, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (G), White (L), and Zoghby.

—62

And the bill:

S. 10. Relating to Cullman County; to repeal Act. No. 84-434, H. 824. 1984 Regular Session, relating to compensation of certain county officials.

Was read a third time at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Box, Brakefield, Brooks, Bryant, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G), White (L), and Zoghby.

—67

And the bill:

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492. H. 822, 1984 Regular Session.

Was read a third time at length and passed.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G), White (L), and Zoghby.

—74

And the bill:

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

Was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Martin, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey,



FIRST EXTRAORDINARY SESSION  
5th Day

91

Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—70

And the bill:

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—73

And the bill:

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

Was read a third time at length and passed.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—73

Nay: Rep. Adams.

—1

And the bill:

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall

be calculated on a certain percentage of the present annual compensation for such official.

Was read a third time at length and passed.

Yeas 75; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—75

And the bill:

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Was read a third time at length and passed.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Martin, Mathis, Melton, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, ~~Rains~~, ~~Reed~~, ~~Rice~~, ~~Richardson~~, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—78

And the bill:

H. 36. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

Was taken up.

H. 36 INDEFINITELY POSTPONED

On motion of Rep. McDowell, the bill, H. 36, was indefinitely postponed.

And the bill:

H. 43. Relating to Jefferson County; fixing the salary of the Deputy Probate Judge.

Was taken up.

H. 43 INDEFINITELY POSTPONED

On motion of Rep. McDowell, the bill, H. 43, was indefinitely postponed.

And the bill:

S. 4. Relating to Jefferson County; fixing the salary of the Deputy Probate Judge.

Was read a third time at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (John), Butler, Carter, Clark (D), Clark (W), Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Martin, Mathis, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—67

And the bill:

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

Was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Boles, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (James), Buskey (John), Butler, Clark (D), Clark (W), Davis, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Starkey,

Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—70

### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill, H. 19, was lost, lacking a four-fifths vote.

Yeas 11; Nays 4.

*Yeas:*

Reps. Biddle, Boles, Davis, Escott, Gray, McDowell, McNair, Perdue, Rogers, Seibels and Spratt.

—11

*Nays:* Reps. Bachus, Beers, Payne and White (G)

—4

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to wit:

H. 1. Relating to Tuscaloosa County government and its public officers and administration; to change the composition of the Tuscaloosa County Commission to provide that the county commission shall consist of a chairman and four associate members; to provide that the probate judge of Tuscaloosa County shall be the chairman of said commission and shall preside at all commission meetings and shall be entitled to vote on all matters coming before such county commission; to provide that the four associate members shall be elected from single member districts within Tuscaloosa County; to provide for the terms of said county commissioners and to provide for the commissioners to represent Districts 1, 2 and 3; to provide for a special election to elect the Commissioner from District 4; to provide that the associate members must reside within the boundaries of their district; to set the salaries of the probate judge and associate members; to set out the boundaries of Districts 1, 2, 3 and 4; to empower the Tuscaloosa County Commission to place any omitted parcel within Tuscaloosa County within a district, and to determine the true boundary line of any district in the event of any ambiguity or confusion therein; to provide that the Tuscaloosa County Commission is further empowered to reapportion itself, as provided by law, after receiving the results of each federal population census; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county clerk, and to set forth the duties of the county clerk; to provide for the employment of a county engineer, and to set forth the duties and responsibilities of the county engineer; to provide for the operation of a road and bridge department on the basis of the county

as a unit, without regard to any district or beat lines; to set forth the duty of each associate member.

Also:

H. 3. Relating to the abandonment of the commission form of government by Class 4 municipalities; providing for the adoption of a mayor-council form of government by ordinance with seven single-member districts and a mayor to be elected at large; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipality and all ordinances.

Also:

H. 24. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Hackleburg, in Marion County, Alabama.

Also:

H. 41. Providing a certain expense allowance for the judge of probate of Jackson County, Alabama.

Also:

H. 45. Relating to St. Clair County; to authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of St. Clair County, Alabama.

Also:

H. J. R. 22. COMMENDING CECIL BISHOP, PRESIDING BISHOP, TENTH EPISCOPAL DISTRICT OF THE AME ZION CHURCH.

Also:

H. J. R. 23. MOURNING THE DEATH OF CALLIE L. WARREN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 24. MOURNING THE DEATH OF ROSCOE ALEXANDER WILLIAMS OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 26. CONGRATULATING MRS. LOUPHENIA THOMAS, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, UPON HER RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 27. CONGRATULATING MR. JOHN BELL UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

Also:

H. J. R. 28. CONGRATULATING MR. RALPH GARREN UPON HIS RETIREMENT FROM LAWSON STATE COMMUNITY COLLEGE.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

#### RECESS

On motion of Rep. Johnson (Roy), the House stood in recess to the call of the Chair.

#### HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Coburn, the House non-concurred in the Senate amendment to the bill, H. 6, and requested a Committee on Conference be appointed to reconcile the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill No. 6 as substituted Page 2 Line 25, by inserting after the word (3) the words "and (6)"

Amend substitute to House Bill No. 6 Page 4 on Line 8, by inserting after the word "corporation" the following:

"(6) No investment shall be made in any firm incorporated under the laws of, or with its principal office located in, or which derives more than

fifty percent (50%) of its gross income from, the Union of South Africa, or in any securities issued or guaranteed by the Union of South Africa.

Amend the bill on page 1 by deleting lines 27 through 34 and on page 2 by deleting lines 1 through 4 and inserting in lieu thereof the following:

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create two trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Further amend the bill on page 10, line 25, by deleting the semi-colon and inserting in lieu thereof a period and by deleting lines 26 through 32.

Further amend the bill on page 15, line 18, by inserting the following new sections and renumbering sections 6 and 7 so that they become 8 and 9:

“Section 6. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named ‘The Alabama Department of Conservation Trust Fund’ which shall be funded and administered in accordance with the provisions of this amendment.

“Section 7. The Alabama Department of Conservation Trust Fund. (a) This trust fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in its board. Its board shall have a membership of five trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), the Commissioner of Conservation and Natural Resources and the chairman of the Advisory Board of Conservation and Natural Resources. The aforesaid trustees shall each serve as a trustee ex officio, and the service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. Any of the aforesaid trustees may by written notice to the board designate a trustee to serve in his or her stead, who shall hold office for the term of office of the official who appointed him or her.

“(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full term or to complete an unexpired term, shall be made by the same officer who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each appointed trustee shall hold office from the effective date of his or her appointment. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of

the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy of the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state, subject to said Section 174 or successor provision thereof. The governor, the state treasurer and the director of finance may not be impeached and removed from office as a trustee apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as trustees.

“(d) The governor, the state treasurer and the director of finance shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as governor, state treasurer and director of finance. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(e) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(f) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting



part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(g) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(h) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“(i) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to ten percent (10%) of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975.

“(f) Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be

converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as art of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which, in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(k) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) ten percent (10%) of all proceeds of any oil and gas capital payments; and (iv) ten percent (10%) of all trust income.

“(l) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be paid credited as follows: ten percent (10%) shall be added to the trust capital, and ninety percent (90%) shall be credited to the Department of Conservation and Natural Resources, subject to appropriation and withdrawal by the legislature for purposes for which the Department was created.

“(m) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or

be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or secured in such manner; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(c) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safekeeping of securities evidencing investments.

“(o) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent accounting firm, and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund, showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“(p) An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

Amend the bill on page 1 by deleting lines 27 through 34 and on page 2 by deleting lines 1 through 4 and inserting in lieu there the following:

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create two permanent trust funds for the benefit of the State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001; to create and provide for the Alabama Agricultural and Conservation Development Commission; and to validate companion legislation with respect to each Commission.

Further amend the bill on page 15, line 18, by inserting the following new sections and renumbering sections 6 and 7 so that they become 8 and 9:

"Section 6. There is hereby created and established, without any further action, a public corporation named Alabama Agricultural and Conservation Development Commission (herein called the "Commission"), which is charged with the responsibility of improving soil and water conservation and forestry practices within the State. In order to further the carrying out of that responsibility the Legislature may appropriate moneys to the Commission for the purpose of meeting the expenses of the Commission and to allow the Commission to share, through a cost-sharing award or grant program, the costs of soil conservation projects and practices, water quality improvements, reforestation projects and improved forestry practices on or with respect to agricultural or timber lands in the State owned or operated by individuals or other types of persons specified by the Legislature, Sections 93 and 94 of this Constitution, as amended, to the contrary notwithstanding. In any law enacted by the Legislature respecting soil and water conservation cost-sharing grants as contemplated hereby, the Legislature may provide for the organization, members, officers, directors and powers of the Commission and for the receipt, withdrawal, disbursement and expenditure by the Commission of any appropriated moneys and other funds received by the Commission to fund its expenses and cost-sharing programs. The Legislature shall provide that the Commission shall consist of such citizens of the State as may be designated by law by the Legislature, provided that the Legislature may designate as ~~ex-officio members of the Commission persons who are~~ holders of other public offices or officers of such private organizations and associations as the Legislature may designate that are interested in agricultural or timber property and soil and water conservation practices related thereto. Moneys appropriated to the Commission for cost-sharing grants to be made pursuant to criteria provided by the Legislature or promulgated by the Commission pursuant to legislative delegation of the power so to do, shall be invested by the Commission at its direction, or retained in the State Treasury as the Commission shall determine, until expended at the direction of the Commission, provided that none of such appropriated moneys shall revert to the fund or funds from which they were appropriated in the event such moneys remain undisbursed or unencumbered on the last day of the fiscal year in which they were appropriated to the Commission, but rather shall remain available for disbursement by the Commission in its programs in subsequent fiscal years.

"Section 7. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named 'The Alabama Soil, Water and Reforestation Trust Fund' which shall be funded and administered in accordance with the provisions of this amendment.

(a) This trust fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in its board. Its board shall have a membership of five trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), the Commissioner of Agriculture and Industries, and the Chairman of the Soil and Water Conservation Committee. The service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. Any ex officio trustee may by written notice to the board appoint a trustee to serve in his or her stead, whose term of office shall be concurrent with the term of office of the public official who appointed him or her.

"(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full term or to complete an unexpired term, shall be made by the same officer of the state who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

"(c) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy of the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state, subject to said Section 174 or successor provision thereof. No ex-officio trustee may be impeached and removed from office as trustee apart from his impeachment and removal from the respective office by virtue of which, ex officio, he serves as trustee.

"(d) All ex-officio trustees shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as officers of the state. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

"(e) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis

of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(f) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(g) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and ~~repeal~~ bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants,

financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(h) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“(i) All provisions of this amendment to the contrary notwithstanding, there shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to ten percent (10%) of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975.

“(j) Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as art of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(k) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) ten percent (10%) all proceeds of any oil and gas capital payments; and (iv) ten percent (10%) of all trust income.

"(1) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be credited as follows: ten percent (10%) shall be added to the trust capital, and ninety percent (90%) shall be paid over to the Commission for use for any of its corporate purposes.

"(m) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or secured in such manner; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.



“(n) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safe-keeping of securities evidencing investments.

“(o) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent accounting firm, and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund, showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“(p) An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

“(q) The act of the Legislature with respect to the Commission which was proposed by House Bill 11 or Senate Bill 21 of the Special Session of the Legislature which convened on January 22, 1985, is hereby approved and confirmed as in compliance with and satisfying the requirements of the Constitution of Alabama, including this amendment.

On page 17 beginning on line 5 delete in its entirety the sentence which reads as follows; to-wit:

“The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgement, determine to be in the best interest of the beneficiary of the trust, and in determining such schedule the board may emphasize future benefits in preference to near-term needs.”

On page 5, line 10 after the word “fund” insert the following clause; to-wit:

,including capital gains on the sale of interest bearing securities,

Also on page 11, line 33 strike the word “and”.

Also on page 14, line 23 after the word fund delete the “.” (period) and insert in lieu thereof a “;” (semicolon), and add the following; to-wit:

and (iv) any capital gains taken by the trustees, through its designate, on the sale of any interest bearing securities.

Amend House Bill No. 6 as follows:

On page 4, line 9, insert the following subdivision "6" to read as follows, to-wit:

"Corporate securities, provided, however, all fixed income securities not included in subdivision (3) of this definition shall at the time of purchase carry a rating of 'A' or better by Moody's and/or Standard & Poors; provided, however, that if neither Moody's nor Standard and Poors is in existence or ceases to issue bond ratings, then, in that event, otherwise eligible corporate securities must carry one of the three highest grade or quality ratings issued by the securities rating firm that, in the opinion of the Board, is recognized as the most reputable."

Amend House Bill 6, page 4, line 8, by deleting the "." and inserting as follows:

; and

(6) the following general obligations of any Qualified Corporation:

(i) bonds, debentures, notes and other evidence of indebtedness (excluding commercial paper), whether secured or unsecured, which shall mature or be subject to mandatory redemption not more than twenty-five (25) years after the date of the acquisition thereof by the Trust Fund and which shall be rated not less than one of the two highest ratings given to obligations of that kind by at least one nationally recognized debt rating agency then in existence; provided that the lack of such a rating shall not disqualify an obligation as an Eligible Investment if there is no nationally recognized debt rating agency in existence at the time of the acquisition of such obligation by the Trust Fund; and provided further that the aggregate principal amount of all general obligations, as above listed, of any one Qualified Corporation at any time held by the Trust Fund shall not exceed ten percent (10%) of the total Trust Capital.

(ii) For purposes of this amendment, "Qualified Corporation" means any corporation, whether organized under the laws of the United States of America or of any state thereof or the laws of any foreign country, which is required to file periodic reports with the Securities and Exchange Commission (or any successor agency of the United States of America) pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, or successor provision of federal law, and which, as of the time of the determination of its status as a Qualified Corporation pursuant to this amendment, has a net worth or shareholders' equity of not less than \$250,000,000 according to the audited financial statements thereof most recently filed with the Securities and Exchange Commission; provided, however, the legislature may from time to time, by general law, increase the minimum amount of net worth or shareholders' equity in said Qualified Corporation.

Amend House Bill No. 6, page 22, line 24, by striking out the following words "including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975."

A BILL  
TO BE ENTITLED  
AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create two permanent trust funds for the benefit of the

State and the citizens thereof; to provide for the funding of such trust funds with certain moneys derived by the State from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create boards of trustees to manage such trust funds and prescribe the powers thereof; to provide for the investment of moneys held in such trust funds; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

#### PROPOSED AMENDMENT

“Section 1. As used in this amendment, the following words and phrases shall have the following respective meanings:

“ ‘Board’ means the board of trustees of a trust fund.

“ ‘Eligible Investments’ means of any of the following:

“(1) Demand deposits (interest bearing) in federally insured banks and interest bearing deposits (whether or not evidenced by certificates of deposit) in federally insured banks; provided, however, that said deposits plus interest shall be fully secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Deposit Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation;

“(2) Bonds, notes and other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America;

“(3) Bonds, debentures, notes or other evidences of indebtedness issued or guaranteed by any federal agencies or federally-sponsored enterprises authorized to issue their own debt instruments, including, without limitation to, the following: Federal Farm Credit Bank, Federal Intermediate Credit Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, Federal Banks for Cooperatives, Federal Home Loan Banks, Federal Home and Loan Mortgage Association or the Farmers Home Administration;

“(4) Repurchase agreements with federally insured banks or with government bond dealers reporting to and trading with the Federal Reserve Bank of New York, provided that such repurchase agreements are secured by obligations described in subdivisions (2) and (3) of this definition; and

“(5) Interest bearing time deposits (whether or not evidenced by certificates of deposit) in savings and loan associations (a) the deposits of which are insured to the maximum extent possible by the Federal Savings and Loan Insurance Corporation or any agency of the United States of America that may succeed to its functions and (b) the principal office of which is

located in the state; provided, however, that said deposits plus interest shall be secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Savings and Loan Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Savings and Loan Insurance Corporation.

“ ‘Federally insured bank’ means any bank which has its principal office located in Alabama, whether organized under the laws of the United States of America or the laws of this state, and which is a member of the Federal Deposit Insurance Corporation or which obtains deposit insurance to the maximum extent possible from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

“ ‘Fiscal year’ means the fiscal year of the state as may from time to time be provided by law.

“ ‘Oil and gas capital payment’ means any payment received after August 1, 1984, by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue received by the state from federal oil and gas leases off the coast of Alabama. Any royalty payment shall not be considered an oil and gas capital payment.

“ ‘Royalty payment’ means any royalty or other payment received after August 1, 1984, by the state or any agency or instrumentality thereof that is based upon or determined with respect to, the production of oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other area off the coast of Alabama.

“ ‘State’ means the State of Alabama.

“ ‘Trust capital’ means all assets of a trust fund other than the trust income thereof.

“ ‘Trust fund’ means ‘The Alabama Trust Fund’, and ‘The Alabama Local Government Capital Improvement Trust Fund’, as the case may be, created by this amendment.

“ ‘Trust income’ means the net income received by a trust fund, subsequent to the transfer of the initial trust capital thereof by the State Treasurer to a board, from the investment and reinvestment of all assets of a trust fund, determined in accordance with the provisions of this amendment.

“ ‘Trustee’ means a member of the board of trustees of a trust fund.

“Section 2. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named ‘The Alabama Trust Fund’ which shall be funded and administered in accordance with the provisions of this amendment.

“(a) The Alabama Trust Fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of that trust fund shall be vested solely in its board. Its board shall have a membership of ten trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by

law succeed to the responsibilities of the director of finance), three trustees appointed by the governor, three trustees appointed by the lieutenant governor, and one trustee appointed by the speaker of the house of representatives. The governor, the state treasurer and the director of finance shall each serve as a trustee ex officio, and the service of each such official as a trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office. As promptly as practicable after the effective date of this amendment, the other trustees shall be appointed for the following initial terms: The trustees to be appointed by the governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the first, second and third calendar years, respectively, next following the calendar year in which this amendment shall become effective; the trustees to be appointed by the lieutenant governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the fourth, fifth and sixth calendar years, respectively, next following the calendar year in which this amendment shall become effective; and the trustee to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1 in the seventh calendar year next following the calendar year in which this amendment shall become effective. Thereafter, the term of office of each appointed trustee shall be four years, commencing at noon on the October 1 on which the term of the immediate predecessor trustee shall end. One appointed trustee shall reside in each of the state's seven congressional districts. The appointing authorities shall agree as to from which congressional districts their respective trustee appointments shall be made but if they cannot agree the appointments shall be made in the following manner. The governor shall have the first, fourth and sixth choices as to the congressional districts in which his appointed trustees shall reside. The lieutenant governor shall have the second, fifth and seventh choices as to the congressional districts in which his appointed trustees shall reside. The speaker of the house of representatives shall have the third choice as to the congressional district in which his appointed trustee shall reside.

“(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full four-year term or to complete an unexpired term, shall be made by the same officer of the state who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each appointed trustee shall hold office from the effective date of his or her appointment by and with the consent of the Senate and shall hold office until his or her successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) At the beginning of each session of the legislature the governor shall certify to the senate for confirmation the names of all who shall have been appointed as trustees since the commencement of the last session of the legislature.

“(d) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy in the office of such trustee. Each appointed

trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state, subject to said Section 174 or successor provision thereof. The governor, the state treasurer and the director of finance may not be impeached and removed from office as a trustee apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as trustees.

“(e) The governor, the state treasurer and the director of finance shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as governor, state treasurer and director of finance. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(f) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(g) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought

before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(h) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(i) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

“(j) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to the sum of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to four percent (4%) of all revenues, including royalty, bonus and rentals derived to the state pursuant to the sealed bids awarded on August 14, 1984, which sum shall be carried in the state treasury to the credit of the state lands fund.

“(k) Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time

of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which, in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that have been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

“(1) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) all proceeds of any oil and gas capital payments and royalty payments as defined in this amendment subsequent to August 14, 1984 which are not otherwise allocated in this amendment; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to one percent (1%) of all proceeds of any such oil and gas capital payments and royalty payments which sums shall be carried in the state treasury to the credit of the state lands fund. In addition, within ninety (90) days after September 1, 2001, the Board of Trustees of The Alabama Heritage Trust Fund shall transfer the trust capital of The Alabama Heritage Trust Fund to The Alabama Trust Fund and shall transfer the trust income of The Alabama Heritage Trust Fund to the state general fund. The trust capital received by The Alabama Trust Fund from The Alabama Heritage Trust Fund shall thereafter be trust capital of The Alabama Trust Fund. The Alabama Heritage Trust Fund, the Board of Trustees of the Alabama Heritage Trust Fund, and all other aspects of The Alabama Heritage Trust Fund shall terminate and dissolve ninety (90) days after September 1, 2001. Provided, however, beginning with state fiscal year 1989-90, one percent of the income from The Alabama Trust Fund shall be reinvested in The Alabama Trust Fund; two percent of such income shall be reinvested in the following year; and one additional percent of such income each subsequent year shall be reinvested until a total of ten percent of such income from The Alabama Trust Fund each year shall be reinvested in The Alabama Trust Fund.

“(m) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom and all royalty payments not otherwise allocated in this amendment shall be paid directly into the general fund as it is received by the board, subject to appropriation and withdrawal by the legislature.



“(n) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions, shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof, shall bear such dates and be in such form, denominations and series, shall mature or be subject to mandatory redemption on such dates, shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom), shall be unsecured or secured in such manner and subject to the provisions of Section 1, paragraphs 2 and 3; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor, and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the beneficiary of the trust, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(o) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safe-keeping of securities evidencing investments.

“(p) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent accounting firm, and shall cause a report of such audit to be prepared in accordance with applicable

accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund, showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“(q) An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

“Section 3. All royalty payments shall be paid over or credited by the State Treasurer, as received, as follows:

(a) All allocations provided under Section 2, paragraphs (j) and (l) of this amendment shall be made; and

(b) All provisions of this amendment to the contrary notwithstanding, twenty percent (20%) of the royalty payments as defined in this amendment shall be paid over to the Alabama Local Government Capital Improvement Trust Fund.

“Section 4. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named “The Alabama Local Government Capital Improvement Trust Fund” which shall be funded and administered in accordance with the provisions of this amendment.

(a) This trust fund shall be under the management and control of its board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in its board. The board shall have a membership of seven trustees consisting of one trustee appointed by the governor, one trustee appointed by the lieutenant governor, one trustee appointed by the speaker of the house of representatives, two trustees appointed by the governing body of the Association of County Commissions of Alabama, and two trustees appointed by the governing body of the Alabama League of Municipalities. As promptly as practicable after the effective date of this amendment, the trustees shall be appointed as stated above for the following initial terms: The trustee to be appointed by the governor shall be appointed for a term beginning immediately upon his appointment and ending at noon on October 1 in the third calendar year next following the calendar year in which this amendment shall become effective; the trustee to be appointed by the lieutenant governor shall be appointed for a term beginning immediately upon his appointment and ending at noon on October 1 in the fourth calendar year next following the calendar year in which this amendment shall become effective; the trustee to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his appointment and ending at noon on October 1 in the fifth calendar year next following the calendar year in which this amendment

shall become effective, and the other trustees shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the fifth calendar year next following the calendar year in which this amendment becomes effective. Thereafter, the term of office of each trustee shall be six years, commencing at noon on the October 1 on which the term of the immediate predecessor trustee shall end.

“(b) If at any time there shall be a vacancy among the trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each trustee (other than those initially appointed), whether for a full six-year term or to complete an unexpired term, shall be made by the same officer of the State or governing body of the public group who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each trustee shall hold office from the effective date of his appointment and shall hold office until his successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The board shall elect from its members a chairman and presiding officer of the board, a vice chairman and a secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the chairman acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the State Treasurer.

“(d) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, any moneys in an amount equal to twenty percent (20%) of all proceeds of any royalty payments received by the state pursuant to the sealed bids opened on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975.

“(e) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; (iii) twenty percent (20%)

of all proceeds of royalty payments; and (iv) ten percent (10%) of all trust income.

“(f) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be paid as provided in paragraph (g) of this section of this amendment.

“(g) The trust income shall be credited or disbursed as follows:

Ten percent (10%) shall be added to the trust capital; and the remaining ninety percent (90%) shall be divided into two equal portions. One portion shall be paid on September 1 to the counties of the state and the remaining portion shall be paid on that date to the incorporated municipalities of the state as shall be provided by the legislature.

(1) The portion of trust income to be allocated to counties shall only be used by counties for the following purposes:

(A) public buildings; counties may expend such funds for the construction, furnishing, equipping and renovation of public buildings including, without limitation, jails, courthouses and courthouse annexes, and juvenile facilities, and paying rentals to public corporations for the use of public buildings. Such funds may also be expended for the purpose of purchasing land for public buildings.

(B) solid waste; counties may expend such funds for the purchase of land for sanitary landfills, the purchase of solid waste handling and disposal equipment including collection vehicles and landfill compaction equipment, and other solid waste handling and disposal equipment and/or facilities.

(C) public utilities; counties may expend such funds for public water and waste water treatment facilities and drainage facilities. Such expenditures may include the purchase of land and rights-of-way, and the purchase of equipment and supplies necessary for the installation and maintenance of such public facilities.

(D) roads and bridges; up to 50 percent of the funds received by counties may be expended for the construction, maintenance, reconstruction, restoration or resurfacing of county roads and bridges.

(E) bonds and warrants; counties may expend such funds for the payment of any valid obligation of a county that is evidenced by bonds, notes, warrants or other instruments now or hereafter authorized by law to be issued for any of the purposes enumerated in clauses (A), (B), (C), and (D) of this paragraph.

(2) The portion of trust income to be paid to incorporated municipalities shall be allocated annually as shall be provided by the legislature. Each municipality shall upon receipt of its share deposit same in a special account and shall not commingle such funds with other revenues of the municipality. The share of each municipality shall be expended solely for capital improvements determined by the municipal governing body, and the municipality shall match the share, dollar for dollar, with other municipal funds available, for capital improvement purposes. The governing body of each municipality

may use such share, plus its matching funds, to finance bond and warrant issues for capital improvements and may pledge such share, along with its matching funds, to retire the principal and interest of such bonds or warrants.

(h) In addition to the stated provisions of this Section 4, the provisions of paragraphs (d), (e), (g), (h), (i), (k), (n), (o), (p) and (q) of Section 2 of this amendment shall also apply to the trust fund referred to in this Section 4.

“Section 5. This amendment shall be self-executing, but the legislature shall have the right and power to enact laws supplemental to this amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this amendment.”

#### END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment is ordered to be held on the second Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of the proposed amendment shall be effective immediately upon ratification by the people and proclamation by the Governor as required by law.

On page 13 beginning on line 33, delete in its entirety the sentence which reads as follows: to wit:

“The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall in the exercise of its sole and uncontrolled judgement determine to be in the best interest of the state, and in determining such schedule the board may emphasize future benefits in preference to near term ends.”

Yeas 89; Nays 6.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L), and Zoghby.

*Nays:*

Reps. Bryant, Buskey (James), Buskey (John), McDowell, McNair and Warren.

—6

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Johnson (Roy), Coburn and Venable.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, S. 35.

And the bill:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

Was read a third time at length and passed.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, Mikell, Mitchell, Moore, Newman, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby.

—83

#### RECESS

On motion of Rep. Johnson (Roy), the House recessed to the call of the Chair.

#### HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust

fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Goodwin, Smith (J), and Parsons.

McDOWELL LEE,  
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:20 P.M. on January 29, 1985.

H. J. R. 16

H. J. R. 17

H. J. R. 18

H. J. R. 19

H. J. R. 20

H. J. R. 21

H. 1

H. 3

H. 24

H. 41

H. 45

H. J. R. 22

H. J. R. 23

H. J. R. 24

H. J. R. 26

H. J. R. 27

H. J. R. 28

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 10:00 o'clock a.m., Wednesday, January 30, 1985.

## SIXTH DAY

House of Representatives  
Montgomery, Alabama  
Wednesday, January 30, 1985

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Deacon Willie McQueen, Pilgrim Baptist Church, Ramer, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—102

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

## LEAVE OF ABSENCE

At the request of Rep. Junkins, leave of absence was granted for Rep. Bugg.

At the request of Rep. Lauderdale, leave of absence was granted for Rep. Blakeney due to illness.



RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 30. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, Mr. John Walsh of Washington, D.C., is the director of the National Child Find program; and

WHEREAS, Mr. Walsh and his wife, Reve, are the parents of Adam Walsh whose disappearance and subsequent death were the principal components and the basis of the nationally-televised movie entitled, "Adam"; and

WHEREAS, it was thus that the unspeakable tragedy that befell young Adam Walsh and his parents became the impetus for national focus on the ever-widening problem of missing children throughout the United States; and

WHEREAS, since his young son's death, Mr. Walsh has dedicated his considerable energies, time and efforts in helping our nation unite in the common cause of locating our missing children and re-uniting parents and child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully request Mr. John Walsh to appear before a Joint Session of the Alabama Legislature on February 5, 1985, at the hour of his convenience, and that he address the Legislature on the problems of missing children, a tragedy occurring all too often in Alabama as well as nationwide.

BE IT FURTHER RESOLVED, That Mr. Walsh be advised, by copy of this resolution, of the Legislature's invitation and of our hopeful anticipation of his acceptance.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 30, was adopted.

RECESS

On motion of Rep. Johnson (Roy), the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 35. To amend Section 29-4-42, Code of Alabama 1975, relating to legislative employees, so as to authorize the clerk of the house and the secretary of the senate to employ additional full-time personnel.

McDOWELL LEE,  
Secretary.

## SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 4. Relating to Jefferson County: fixing the salary of the Deputy Probate Judge.

Also:

S. 5. Relating to Jefferson County; to amend Section 3 of Act No. 110, of the 1975 Third Special Session (Acts of 1975, p. 338), relating to compensation of the chairman of the board of registrars, so as to provide that the amount of compensation received by said chairman from the State of Alabama and required to be paid to the County shall instead be retained by such chairman up to a maximum of \$500.00 per month and with any amount above said maximum to be paid to the General Fund of the County.

Also:

S. 6. Relating to Cullman County; to amend the title of Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Also:

S. 7. Relating to Cullman County; to authorize the probate judge to set the fee for supplying a copy of an instrument.

Also:

S. 8. Relating to Cullman County; to authorize and regulate the issuance in Cullman County of motor vehicle license tags by mail.

Also:

S. 9. Relating to Cullman County; to repeal Act No. 84-628, H. 823, 1984 Regular Session, relating to compensation of associate county commissioners.

Also:

S. 10. Relating to Cullman County; to repeal Act No. 84-434, H. 824, 1984 Regular Session, relating to compensation of certain county officials.

Also:

S. 11. Relating to Cullman County; to amend and reenact Act No. 84-599, S. 246, 1984 Regular Session, relating to the levy and use of recording fees in the judge of probate office; and to repeal Act No. 84-492, H. 822, 1984 Regular Session.

Also:

S. 12. Relating to Washington County; providing for an increase in compensation, payable from the county general fund, for the tax assessor and the tax collector of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such officials.

Also:

S. 13. Relating to Marengo County, amending Act No. 497, H. 728, 1967 Regular Session, which provides for branch banking in the county, so as to provide further for said branch banking.

Also:

S. 14. Relating to Washington County; providing for the expense allowance, payable monthly from the county general fund, for the county commissioners of the county in lieu of all other expense allowances; and providing that such expense allowance shall be calculated on a certain percentage of the present annual compensation for such officials.

Also:

S. 15. Relating to Washington County; providing for an increase in compensation, payable monthly from the county general fund, for the probate judge of the county; and providing that such increase in compensation shall be calculated on a certain percentage of the present annual compensation for such official.

Also:

S. 16. Relating to Cullman County; authorizing the Cullman County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

#### REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 6, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TOM C. COBURN,  
ROY W. JOHNSON,  
JACK B. VENABLE,  
Conferees on the part of the House.

EARL GOODWIN,  
MAC PARSONS,  
JIM SMITH,

Conferees on the part of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901, as amended:

## PROPOSED AMENDMENT

“Section 1. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named ‘The Alabama Trust Fund’ which shall be funded and administered in accordance with the provisions of this amendment.

“Section 2. As used in this amendment, the following words and phrases shall have the following respective meanings:

“‘Board’ means the board of trustees of the trust fund.

“‘Eligible Investments’ means any of the following:

“(1) Demand deposits (interest bearing) in federally insured banks and interest bearing deposits (whether or not evidenced by certificates of deposit) in federally insured banks; provided, however, that said deposits plus interest shall be fully secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Deposit Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

“(2) Bonds, notes and other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America;

“(3) Bonds, debentures, notes or other evidences of indebtedness issued or guaranteed by any federal agencies or government-sponsored enterprises authorized to issue their own debt instruments, including, without limitation to, the following: Federal Farm Credit Bank, Federal Intermediate Credit

Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, Federal Banks for Cooperatives, Federal Home Loan Banks, Federal Home and Loan Mortgage Association or the Farmers Home Administration;

“(4) Repurchase agreements with federally insured banks or with government bond dealers reporting to and trading with the Federal Reserve Bank of New York, provided that such repurchase agreements are secured by obligations described in subdivisions (2) and (3) of this definition; and

“(5) Interest bearing time deposits (whether or not evidenced by certificates of deposit) in savings and loan associations (a) the deposits of which are insured to the maximum extent possible by the Federal Savings and Loan Insurance Corporation or any agency of the United States of America that may succeed to its functions and (b) the principal office of which is located in the state; provided, however, that said deposits plus interest shall be secured by obligations described in subdivisions (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Savings and Loan Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Savings and Loan Insurance Corporation.

“(6) Corporate securities, provided, however, that no more than a maximum of twenty-five percent (25%) of the trust capital may be invested in such securities by the Board at any time and provided further that no more than a maximum of one percent (1%) of the twenty-five percent (25%) may be invested in any one corporation. The legislature may provide authorization to the Board to invest up to a maximum of forty percent (40%) in corporate securities by a three-fifths (3/5) vote of the membership of both the house of representatives and the senate. All corporate securities shall at the time of purchase by the Board carry a rating of “A” or better by Moody’s and/or Standard and Poors; provided, however, that if neither Moody’s nor Standard and Poors is in existence or ceases to issue bond ratings, then, in that event, otherwise eligible corporate securities must carry one of the three highest grade or quality ratings issued by the securities rating firm that, in the opinion of the Board, is recognized as the most reputable.

“ ‘Federally Insured Bank’ means any bank which has its principal office located in Alabama, whether organized under the laws of the United States of America or the laws of this state, and which is a member of the Federal Deposit Insurance Corporation or which obtains deposit insurance to the maximum extent possible from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

“ ‘Fiscal Year’ means the fiscal year of the state as may from time to time be provided by law.

“ ‘Oil and Gas Capital Payment’ means any payment (including any royalty payment) received after August 1, 1984, by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue by the state from federal oil and gas leases off the coast of Alabama. Any royalty or other payment, with the exception of any taxes heretofore or

hereafter levied, that is based upon or determined with respect to, the production of oil, gas or other hydrocarbon minerals and that is paid to the state or any agency or instrumentality thereof regardless of the time of such payment shall be considered and oil and gas capital payment.

“ ‘State’ means the State of Alabama.

“ ‘Trust Capital’ means all assets of the trust fund other than trust income.

“ ‘Trust Fund’ means ‘The Alabama Trust Fund’ created by this amendment.

“ ‘Trust Income’ means the net income received by the state, subsequent to the transfer of the initial trust capital by the State Treasurer to the board, from the investment and reinvestment of all assets of the trust fund, determined in accordance with the provisions of this amendment.

“ ‘Trustee’ means a member of the board of trustees of the trust fund.

“Section 3. (a) The trust fund shall be under the management and control of the board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in the board. The board shall have a membership of nine trustees consisting of the governor, the state treasurer, the director of finance (or such other official as may by law succeed to the responsibilities of the director of finance), three trustees appointed by the governor, two trustees appointed by the lieutenant governor, and one trustee appointed by the speaker of the house of representatives. The governor, the state treasurer and the director of finance shall each serve as a trustee ex officio, and the service of each such official as a trustee shall begin and concurrently with the beginning and end of his or her tenure in such office. As promptly as practicable after the effective date of this amendment, the other trustees shall be appointed for the following initial terms: The trustees to be appointed by the governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1, in the first, second and third calendar years, respectively, next following the calendar year in which this amendment shall become effective; the trustees to be appointed by the lieutenant governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1, in the fourth and fifth calendar years, respectively, next following the calendar year in which this amendment shall become effective; and the trustee to be appointed by the speaker of the house of representatives shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1, in the sixth calendar year next following the calendar year in which this amendment shall become effective. Thereafter, the term of office of each appointed trustee shall be six years, commencing at noon on October 1 on which the term of the immediate predecessor trustee shall end.

“(b) If at any time there shall be a vacancy among the appointed trustees, a successor trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed trustee (other than those initially appointed), whether for a full six-year term or to complete an unexpired term, shall be made by the same officer of the state who appointed the trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such trustee is to take office as such. Each appointed trustee shall hold office from the

effective date of his or her appointment by and with the consent of the Senate and shall hold office until his or her successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

“(c) At the beginning of each session of the legislature the governor shall certify to the senate for confirmation the names of all who shall have been appointed as trustees since the commencement of the last session of the legislature.

“(d) Each appointed trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any trustee to remain so qualified during such term shall cause a vacancy of the office of such trustee. Each appointed trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed trustee may be impeached and removed from office as a trustee in the same manner and on the same grounds provided in Section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state subject to said Section 174 or successor provision thereof. The governor, the state treasurer and the director of finance may not be impeached and removed from office as trustees apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as trustees.

“(e) The governor, the state treasurer and the director of finance shall be entitled to vote, and shall perform the duties of trustees, ex officio, without any compensation other than that to which they are respectively entitled as governor, state treasurer and director of finance. Appointed trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the legislature, but the power to provide compensation of appointed trustees shall be discretionary with the legislature and nothing in this amendment shall be construed to confer upon such trustees an absolute right to any compensation for their services. Each trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a trustee.

“(f) A majority of the trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any trustee shall impair the right of a quorum to exercise all the powers and duties of the board. The governor shall be the chairman and presiding officer of the board. The director of finance shall be vice chairman, and the state treasurer shall serve as secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the governor acting alone or by any three other trustees acting in concert, in each case upon two days' notice to each trustee given in person or by registered letter or telegram; provided, however, that such notice to each trustee may be waived by such trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good

name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the director of finance.

“(g) No trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such trustee may have such an interest. If there shall be brought before the board any matter in which a trustee shall have any interest which may conflict with his or her duties as a trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

“(h) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this amendment, including, without limiting the generality of the foregoing, the following powers:

“(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

“(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this amendment;

“(3) To enter into contacts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this amendment; and

“(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligations created or assumed by the board shall not ~~created any pecuniary obligation or liability of the state or the trust fund~~ other than such as shall be payable out of moneys appropriated by the legislature to defray the expenses of the board in carrying out the purposes of this amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or results from any law enacted by the legislature or any action taken by the board or any other department, agency or instrumentality of the state.

“(i) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.



"Section 4. (a) There shall be transferred from the general fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to the sum of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to Section 9-17-68, Code of Alabama 1975; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to four percent (4%) of the three hundred forty seven million four hundred and eighty three thousand dollars (347,483,000) which has been received by the state pursuant to the sealed bids awarded on August 14, 1984, which sum shall be carried in the state treasury to the credit of the state lands fund.

"Promptly following the effective date of this amendment, the state treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the state treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the legislature.

"(b) The trust capital shall be augmented by (i) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; and (iii) all proceeds of any oil and gas capital payments as defined in this amendment subsequent to August 14, 1984; provided, however, that the division of lands of the Department of Conservation and Natural Resources shall be entitled to one percent (1%) of all proceeds of any oil and gas capital payments as defined in this amendment subsequent to August 14, 1984, which sum shall be carried in the state treasury to the credit of the state lands fund. In addition, within ninety (90) days after September 1, 2001, the Board of Trustees of The Alabama Heritage Trust Fund shall transfer the trust capital of The Alabama Heritage Trust Fund to The Alabama Trust Fund and shall transfer the trust income of The Alabama Heritage Trust Fund to the state general fund. The trust capital received by The Alabama Trust Fund from The Alabama Heritage Trust Fund shall thereafter be trust capital of The Alabama Trust Fund. The Alabama Heritage Trust Fund, the Board of Trustees of The Alabama Heritage Trust Fund, and all other aspects of The Alabama Heritage Trust Fund shall terminate and dissolve ninety (90) days after September 1, 2001.

“(c) Provided, however, beginning with state fiscal year 1989-90, one percent of the income from The Alabama Trust Fund shall be reinvested in The Alabama Trust Fund; two percent of such income shall be reinvested in the following year; and one additional percent of such income each subsequent year shall be reinvested until a total of ten percent of such income from The Alabama Trust Fund each year shall be reinvested in The Alabama Trust Fund.

“Section 5. (a) The trust capital shall be held in perpetual trust and shall not be appropriated by the legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be paid directly into the general fund as it is received by the board, subject to appropriation and withdrawal by the legislature.

“(b) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or secured in such manner, and subject to the provisions of Section 2, paragraphs 2 and 3; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investment producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received

by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the executive department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

“(c) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the state treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safekeeping of securities evidencing investments.

“(d) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the State Examiners of Public Accounts or, in the discretion of the board, by an independent certified public accounting firm and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing (i) a statement of the trust capital then held in the trust fund showing any changes thereto since the last quarterly report, (ii) a statement of the trust income received during the quarterly period in question, (iii) a statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof, (iv) a statement of the trust income received to date during the current fiscal year, and (v) any other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

“Section 6. An individual trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such trustee.

“Section 7. This amendment shall be self-executing, but the legislature shall have the right and power to enact laws supplemental to this amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this amendment.”

#### END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment is ordered to be held on the second Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

#### CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Coburn, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 6, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 95; Nays 1.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—95

*Nay:* Rep. Buskey (James).

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And the bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

As thus amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 97; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman,

Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—97

## RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 31. REQUESTING THE GOVERNOR AND THE LIEUTENANT GOVERNOR TO APPOINT TWO BLACK ALABAMIANS TO THE ALABAMA TRUST FUND BOARD.

WHEREAS, the Legislature of Alabama requests that our esteemed Governor and Lieutenant Governor appoint two Black Alabamians to the Alabama Trust Fund Board; and

WHEREAS, all the taxpayers of Alabama should be represented on the Alabama Trust Fund Board; and

WHEREAS, the Legislature further recognizes the need to appoint two Black Alabamians to the Alabama Trust Fund Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature requests the Governor and the Lieutenant Governor to appoint two Black Alabamians to the Alabama Trust Fund Board.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the Governor and to the Lieutenant Governor.

On motion of Rep. Holmes, the rules were suspended and the resolution H. J. R. 31, was adopted.

Also:

By Rep. Seibels:

H. J. R. 32. HONORING THE AMERICAN LEGION, DEPARTMENT OF ALABAMA.

WHEREAS, the American Legion was formed by World War I veterans in the year 1919 and has grown to be the largest veterans organization in the world; and

WHEREAS, the American Legion, Department of Alabama, in conjunction with General Gorgas Post No. 1 in Birmingham, planned, erected and dedicated the largest sports arena of its kind in the country and appropriately named said stadium Legion Field in honor of the American Legion on November 19, 1927; and

WHEREAS, this Legion Field was built through the joint efforts of the Governor, the legislative direction, the General Assembly, the American Legion, the City of Birmingham and a host of others and has been foremost in attracting the finest of our youth in the nation; and

WHEREAS, Legion Field was dedicated to the memory of those who sacrificed their very lives in World War I and whose names are memorialized on the monuments guarding the entrance to this magnificent stadium; and

WHEREAS, many great patriots have since fallen in World War II, Korea, and Vietnam guaranteeing to us our rights of freedom which we so enjoy; and

WHEREAS, recognizing these valiant sacrifices, the American Legion, Department of Alabama, under the leadership of Commander John M. Tyson and Judge O. L. "Pete" Johnson of General Gorgas Post No. 1 in Birmingham, held re-dedication ceremonies at Legion Field December 29, 1984, just prior to the Hall of Fame Football Classic; and

WHEREAS, these ceremonies were marked by a splendid address by Governor George C. Wallace, a moving speech by Lieutenant Governor William "Bill" Baxley, and a moving program accentuated by the formal re-dedication of Legion Field by American Legion Commander John M. Tyson, and were attended by a host of Legionnaires, Commanders, Medal of Honor Winners, Former Prisoners of War, local dignitaries and others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the American Legion, Department of Alabama, for their untiring efforts on behalf of the youth of America and especially in dedicating and re-dedicating Legion Field in Birmingham, Alabama, November 19, 1927, and December 29, 1984.

BE IT FURTHER RESOLVED, That our congratulations and best wishes are hereby given to all those who participated in the recent re-dedication ceremonies, including the Honorable George C. Wallace; the Honorable William "Bill" Baxley; Commander John M. Tyson; Judge O. L. "Pete" Johnson, Chairman; the officers, members of the American Legion; and the American Legion Auxiliary together with members of the American Former Prisoners of War, the Veterans of Foreign Wars, the Disabled American Veterans, the City of Birmingham, Birmingham Park Board and to the officials of the Hall of Fame Bowl Football Classic.

RESOLVED FURTHER, That official copies of this resolution be transmitted to Commander John M. Tyson, State Commander of the American Legion; to the Honorable Richard Arrington, Mayor of the City of Birmingham; to the Birmingham Park Board, and that an official copy also be forwarded to the American Legion, Department of Alabama, to be placed in the American Legion Time Capsule to be sealed later this year for opening on the American Legion Birthday in the year 2010.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Mathis:

H. R. 33. COMMENDING GLEN HAMMOND OF GENEVA, ALABAMA, FOR AN EXTRAORDINARY ACT OF HEROISM.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dial:

S. J. R. 31. COMMENDING THE UNITED STATES ARMED FORCES IN THE REPUBLIC OF KOREA.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 31, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Cabaniss, Horn, Bennett, Hilliard, Amari, Aldridge, Bailey, Barron, Bedford, Bedsole, Bishop, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Holmes, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 40. MOURNING THE DEATH OF W. H. "BILL" METZ OF BIRMINGHAM, ALABAMA.

Also:

By Senator Horn:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 41, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Corbett:

S. J. R. 42. MAKING THE JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE, CREATED BY ACT NO.

84-318, H. J. R. 67, 1984 REGULAR SESSION, A PERMANENT CONTINUOUS LEGISLATIVE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Children and Youth Study Committee, created by Act No. 84-318, H. J. R. 67, 1984 Regular Session, is hereby made into a permanent continuous legislative committee to be known as the Joint Legislative Children and Youth Study Committee which shall continue in existence for the current legislative term and all future legislative terms until abolished by a joint resolution of the Legislature.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's chairman. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 42, set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Teague and Dial:

S. J. R. 43. COMMENDING COACH CHUCK MILLER OF TALLADEGA, ALABAMA, ON HIS 600TH CAREER BASKETBALL VICTORY.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate.

#### RECESS

On motion of Rep. Johnson (Roy), the House recessed to the call of the Chair.



HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the state general fund during the year 2001.

And said Bill, H. B. 6, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Also:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of

Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Also:

H. 35. To amend Section 36-1-6. Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 31. COMMENDING THE UNITED STATES ARMED FORCES IN THE REPUBLIC OF KOREA.

Also:

S. J. R. 40. MOURNING THE DEATH OF W. H. "BILL" METZ OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 42. MAKING THE JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE, CREATED BY ACT NO. 84-318, H. J. R. 67, 1984 REGULAR SESSION, A PERMANENT CONTINUOUS LEGISLATIVE COMMITTEE.

Also:

S. J. R. 43. COMMENDING COACH CHUCK MILLER OF TALLADEGA, ALABAMA, ON HIS 600TH CAREER BASKETBALL VICTORY.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 29. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 30. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 32. HONORING THE AMERICAN LEGION, DEPARTMENT OF ALABAMA.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 18. To alter and rearrange the boundaries of the City of Fultondale, Alabama, to include within the corporate limits of such city certain described territory, and only the territory within the rearranged boundary described.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 18 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 18. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of

Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Coburn, the House non-concurred in the Senate amendment to the bill, H. 5, and requested a Committee on Conference be appointed to reconcile the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill No. 5 as engrossed page 1, line 20, after the word "Board", by inserting the following:

"Peace Officer's Standards and Training".

Further amend H. B. 5 as engrossed on page 2 after line 34 by inserting the following:

"(12) Peace Officers' Standards and Training . . . . . 60,000".

Further amend said bill by adjusting all item numbers in Section 2 accordingly.

Amend House Bill No. 5 as engrossed Page 2 Section 2 after line 34, insert the following:

(10) Alabama Development Office for additional representatives, research personnel and advertising expenses. . . . . \$1,000,000.

Amend House Bill No. 5 Page 2 by inserting in Section 2, after line 34 the following:

(11) Alabama Council on the Arts and Humanities . . . \$100,000.00.

On page 2, in Section 2, after line 34, insert the following:

(10) Children's Trust Fund of Alabama To be distributed for local programs . . . . . \$250,000.

Amend H. B. 5, as engrossed, as follows:

On page 2, in Section 2, (5), line 27, delete the entire line 27, consisting of the words:

(For purchase of automobiles)

Amend House Bill 5 on page 3 by deleting Section 3 on lines 1 through 11 in its entirety and by renumbering the following sections accordingly.

Further amend House Bill 5 on page 2, line 26 by striking the figure "250,000" and by inserting in lieu thereof the following figure: "940,000".

Amend House Bill 5 in section 2, on page 2 after line 34 by inserting the following:

"(9) Alabama Forestry Commission . . . . . 200,000".

Further amend House Bill 5 on page 2 on line 23 by striking the figure "1,250,000" and by inserting in lieu thereof the figure "1,463,000".

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Boles, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—88

#### COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Coburn, Holley and Clark (J).

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

Also:

H. 35. To amend Section 36-1-6, Code of Alabama 1975, so as to provide limitations for combined single limit liability insurance for State employees operating motor vehicles in the performance of their duties.

Also:

H. 48. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Also:

H. 6. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the state and the citizens thereof; to provide for the funding of such trust fund with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals; to create a board of trustees to manage such trust fund and prescribe the powers thereof; to provide for the investment of moneys held in such trust fund; and to terminate The Alabama Heritage Trust Fund and transfer the trust capital to The Alabama Trust Fund and the trust income to the same general fund during the year 2001.

Also:

H. 10. To propose an amendment to the Constitution of Alabama of 1901 which will provide for the creation by the Legislature of a commission to be responsible for improving soil and water conservation and forestry practices in the State and allowing for the appropriation of moneys to that commission to permit the commission to make cost-sharing grants to certain private persons for use in financing various soil and water conservation practices and projects within the State.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 5:00 P.M. on January 30, 1985.

H. 9

H. 35

H. 48

Delivered to the Secretary of State at 5:00 P.M. on January 30, 1985.

FIRST EXTRAORDINARY SESSION  
6th Day

145

H. 6 (Constitutional Amendment)

H. 10 (Constitutional Amendment)

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned until 9:00 o'clock a.m., Thursday, January 31, 1985.

SEVENTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, January 31, 1985

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Byron Benson, Church of Christ, Grady, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—81

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark, J., the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

#### LEAVE OF ABSENCE

At the request of Rep. Junkins, leave of absence was granted for Rep. Bugg.

At the request of Rep. Lauderdale, leave of absence was granted for Rep. Blakeney, due to illness.

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. White (F).

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the bill, H. 11, said Senate amendment being as follows:

Amend H.B. 11 on page 6, line 10 by striking the words "a member" wherever they appear and insert in lieu thereof the words "two members".



Amend House Bill No. 11, Page 6, Line 7, by inserting after the word "owners" the following:

"or involved in environmental protection"

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams, Beasley, Beers, Blake, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Davis, Escott, Faulk, Fuller, Gaston, Goodwin, Grouby, Harper, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Warren, White (G), White (L) and Zoghby.

—63

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Teague, Foshee, and Mitchem.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 29. EXPRESSING THE LEGISLATURE'S APPRECIATION TO MARVIN WARNER AND JERRY SKLAR OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 30. INVITING MR. JOHN WALSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 32. HONORING THE AMERICAN LEGION, DEPARTMENT OF ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 11. To establish, contingent upon the ratification by the qualified electors of the State of the amendment to the Constitution of Alabama of 1901 proposed by the Act of the Special Session of the Legislature of Alabama that convened on January 23, 1985, that was introduced thereat as House Bill 10, the Alabama Agricultural and Conservation Development Commission and authorize it to make available cost-share grants of money derived from appropriations made to the Commission by the Legislature for the encouragement and financing of soil conservation, water quality improvement and improved forestry practices in the State; to provide for the organization, members, officers and directors of the Commission; to provide for the investment of the funds of the Commission; to authorize the Commission to set qualifications and criteria for recipients of cost-share grants; to authorize the Commission to make contracts with others for the organization and servicing of such cost-share grants; to provide for the employment by the Commission of such employees and agents as its business may require; to authorize the State Soil and Water Conservation Committee to administer and oversee the Commission's cost-share grant program; to exempt the income of the Commission and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Commission is a party, from all taxation in the State; to exempt the Commission from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, to exempt the Commission from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Commission; to exempt the cost-share grants made by the Commission from income taxation in the State; and to provide for an effective date.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 5, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TOM C. COBURN,  
JIMMY W. HOLLEY,  
JAMES S. (JIMMY) CLARK,  
Conferees on the Part of the House.

HINTON MITCHEM,  
E. CRUM FOSHEE,  
JOHN A. TEAGUE,  
Conferees on the Part of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board, Peace Officers Standards & Training Commission, the Children's Trust Fund, the Council on Arts & Humanities, the Office of the Speaker of the House of Representatives, the Office of the Lieutenant Governor, and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, the following amounts to be used solely for the purpose of providing performance salary advances for state employees.

- |   |           |
|---|-----------|
| (1) Department of Public Health .....   | 750,000   |
| (2) Department of Pensions and Security .....                                     | 1,000,000 |
| (3) Department of Mental Health Institutional Treatment<br>and Care Program ..... | 2,100,000 |
| (4) Alabama Forestry Commission .....   | 225,000   |

(b) Such funds as set out above shall be used solely to make payment for the salary of any employee who otherwise qualifies during the fiscal year

1984-85 for a performance salary adjustment within their assigned pay range, but may not receive such salary adjustment due to a declaration by the departments, as set out in Section 1(a), that funds are unavailable for such purpose. It being the intent of the Legislature that appropriate compensation to such employees shall be retroactive from the time the performance salary advancement was due.

Section 2. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, the following:

- (1) Alabama Department of Environmental Management-Environmental Management Program ..... 304,514
- (2) Department of Agriculture and Industries—Agriculture Inspection Services Program ..... 225,000
- (3) Department of Corrections  
(for Limestone Prison) ..... 7,750,000
- (4) Military Department-Armory Commission-Military Operations Program ..... 1,463,000  
(For capital outlay for construction and repair of armories)
- (5) Department of Public Safety ..... 250,000  
(For purchase of automobiles)
- (6) Emergency Management Agency—Readiness and Recovery Program ..... 50,000  
(For matching Funds for purchase of Doppler Radar System)
- (7) State Liability Insurance Fund ..... 1,000,000
- (8) State Oil and Gas Board ..... 385,000  
(For capital outlay purposes only)
- (9) Forestry Commission ..... 200,000  
(For equipment purchases)
- (10) Peace Officers Standards and Training Commission ..... 60,000
- (11) Children's Trust Fund ..... 250,000  
(To be distributed for local programs)
- (12) Council on Arts and Humanities ..... 100,000
- (13) Office of Speaker of the House of Representatives ..... 10,000  
(For miscellaneous operating expenses)
- (14) Office of Lieutenant Governor ..... 10,000  
(For miscellaneous operating expenses)

Section 3. In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1985, \$690,000 to the Department of Public Safety to be conditional upon the passage of legislation authorizing payment of certain retroactive salaries for the fiscal year 1982-83.

Section 4. All monies appropriated in Section 1, 2 and 3 are conditional upon the availability of funds and shall remain in the State General Fund

until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby specifically repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO CONCUR IN REPORT OF  
COMMITTEE ON CONFERENCE

Rep. Reed offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 5, said report being set out in the above and foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Laird that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 5, and request a new Committee on Conference be appointed, was tabled.

Yeas 52; Nays 13.

*Yeas:*

Mr. Speaker, Beasley, Box, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Gaston, Grayson, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Martin, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Spratt, Tanner, Thomas, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—52

*Nays:*

Reps. Adams, Brooks, Fuller, Hall, Harper, Laird, McKee, McMillan, Mathis, Mikell, Rice, Starkey and Starr.

—13

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

The question was then on the motion offered by Rep. Reed that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 5, and the Report was adopted.

Yeas 68; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Beasley, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D),

Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Warren, White (L) and Zoghby.

—68

Nays: Reps. Adams, Harper, Rice, Starkey and White (G).

—5

## MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace, returning House Bill No. 9, without the Governor's signature and approval but with the following Executive Amendment.

DONE this 31st day of January, 1985.

Respectfully submitted,

ELVIN L. STANTON,  
Executive Secretary.

## MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 9, without my signature and approval but with the following Executive Amendment which would make this Bill acceptable.

EXECUTIVE AMENDMENT TO HOUSE BILL NO. 9  
AS SUBSTITUTED AND AMENDED

Amend House Bill No. 9, delete Section 4 in its entirety and substitute in lieu thereof the following:

"Section 4. Amendment of Section 14-2-10 of the Code of Alabama, 1975. Section 14-2-10 of the Code of Alabama, 1975 is hereby amended to read as follows:

§14-2-10. Temporary loans in anticipation of issuance of bonds.

In anticipation of issuance of bonds under this chapter, the authority may, from time to time, borrow such sums as may be needed, not exceeding \$1,000,000.00 in aggregate principal amount, for any of the purposes for which bonds are authorized to be issued under this chapter and in evidence of the moneys so borrowed may issue its promissory notes. The authorized principal amount of notes that may be issued under this section shall be

reduced to the extent that bonds may be issued under this chapter. The principal of and the interest on notes so issued may, from time to time, be refunded by refunding notes or by bonds in anticipation of the issuance of which such notes were issued. All such notes, whether initial issues or refunding issues, may bear interest from their dates until their maturities at such rate or rates as may be deemed acceptable by the board of directors, not to exceed 10 percent per annum, shall within two years from their date, and the principal thereof, premium, if any, and interest thereon shall be payable solely from the proceeds of the refunding notes issued to refund any such notes outstanding, the proceeds from the sale of bonds in anticipation of the issuance of which any such notes were issued and funds from which such bonds may be made payable, all as may be provided in the resolution of the board of directors under which such notes may be issued."

Amend House Bill No. 9, Section 6, page 8, after the words "necessary for the said purposes." add the words "but not to exceed \$50,000,000 in aggregate principal amount."

Amend House Bill No. 9, Section 7, page 9, delete the figure "30" and substitute in lieu thereof "20".

Amend House Bill No. 9, Section 8, page 9, paragraph 2 after the word "advantageous," delete the word "either" and substitute in lieu thereof the word "only". On the same line delete the words "or private". After the word "sale" on this same line delete the "," and substitute in lieu thereof ".". On this same line delete the words "and by negotiation or by competitive bid." Beginning on the same line delete the words "Bonds of the authority sold by competitive bid must be sold, whether" and substituted in lieu thereof the words "Bonds must be sold by competitive bid".

Amend House Bill No. 9, Section 13, page 17, paragraph (b) delete the words "; provided, however, that the first installment of rent for any facility shall be payable upon execution of the lease therefor, to cover the remainder of the fiscal year during which such lease is executed".

The adoption of the above and foregoing suggested Executive Amendment will remove any objections to this Bill.

DONE this 31st day of January, 1985.

Sincerely,

GEORGE C. WALLACE,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Clark (J), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 9, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (James), Buskey (John), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Johnson

(R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, McKee, McMillan, Marietta, Martin, Mathis, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, White (G), White (L) and Zoghby.

—71

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JIMMY CLARK,  
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

by a majority of the whole number elected to the Senate, said vote being Yeas 21, Nays 0.

And said Bill, H. B. 9, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 0.

And said Bill, H. B. 9, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board, Peace Officers Standards & Training Commission, the Children's Trust Fund, the Council on Arts & Humanities, the Office of the Speaker of the House of Representatives, the Office of the Lieutenant Governor, and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

And said Bill, H. B. 5, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 5. To make conditional supplemental appropriations from the State General Fund to the Department of Public Health, the Department of Pensions and Security, the Department of Mental Health, Alabama Forestry Commission, Alabama Department of Environmental Management, the Department of Agriculture and Industries, the Department of Corrections, the Military Department-Armory Commission, the Department of Public Safety, the Emergency Management Agency, the State Oil and Gas Board, Peace Officers Standards & Training Commission, the Children's Trust Fund, the Council on Arts & Humanities, the Office of the Speaker of the House of Representatives, the Office of the Lieutenant Governor, and the State Liability Insurance Fund for the fiscal year ending September 30, 1985; and to provide that certain provisions of this act shall be retroactive.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

SIGNING THE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 9. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to change the references therein to the Alabama Board of Corrections to the Alabama Department of Corrections; to provide that members, officers, directors and employees of the Authority shall not be personally liable for obligations of the Authority; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to authorize the Authority to grant mortgages on and security interests in its facilities as security for its notes or bonds; to provide for the maximum maturity of notes and bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to provide for the method of execution of bonds of the Authority; to authorize the Governor to convey improved and unimproved real property and personal property to the Authority for use in the construction, reconstruction and improvement of correctional facilities; to provide for the remedy of foreclosure upon default; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all leases of the Authority from the competitive bid laws.

And finds same correctly enrolled with Executive Amendment.

And finds same correctly enrolled.

JIMMY CLARK,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on January 31, 1985.

H. J. R. 29

H. J. R. 30

H. J. R. 32

H. 11

FIRST EXTRAORDINARY SESSION  
**7th Day**

157

Delivered to the Governor at 3:40 P.M. on January 31, 1985.

H. 5

H. 9 (Executive Amendment)

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), the House adjourned sine die at 2:21 o'clock p.m., Thursday, January 31, 1985.

JOHN W. PEMBERTON,  
Clerk of the House of Representatives  
of the Legislature of Alabama,  
Extraordinary Session, 1985.







**HOUSE OF REPRESENTATIVES**  
**FIRST EXTRAORDINARY SESSION, 1985**  
**ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 83	Ron G. Johnson, 33
Robert E. Albright, 21	Roy Johnson, 63
Spencer Bachus, 46	Bobby M. Junkins, 30
John P. Beasley, 85	Yvonne Kennedy, 103
Greg Beers, 48	Ken Kvalheim, 101
Jack Biddle, III, 43	Richard Laird, 37
Lucius Black, Sr., 67	Jack B. Lauderdale, 17
A. J. Blake, 42	Richard J. Lindsey, 39
Harrell Blakeney, 66	Bobbie G. McDowell, 56
Hugh Boles, 50	Bob McKee, 74
W. C. "Bill" Bowling, 12	Stephen A. McMillan, 95
Mike Box, 96	Chris McNair, 57
Carl C. Brakefield, 14	Beth Marietta, 104
Charlie Britnell, 18	Charles B. Martin, 8
Morris J. "Mo" Brooks, Jr., 10	Nathan Mathis, 87
Glen Browder, 34	Bryant Melton, Jr., 61
Jenkins Bryant, 68	Mike Mikell, 76
June Bugg, 29	Earl Mitchell, 15
Ralph Burke, 24	Sonny Moore, 41
James E. Buskey, 99	Max Newman, 16
John L. Buskey, 77	Tom Nicholson, 13
Tom Butler, 6	Demetrius C. Newton, 53
James M. Campbell, 36	Michael Onderdonk, 65
Joe Carothers, 86	Paul Parker, 9
Tommy Carter, 5	Arthur Payne, 44
Denzel L. Clark, 4	Walter E. Penry, 94
James S. Clark, 84	George Perdue, 54
William Clark, 98	Phil Poole, 62
Tom Coburn, 2	Jack Pratt, 49
Loyd Coleman, 25	Jim Preuitt, 32
W. F. "Noopie" Cosby, Jr., 70	T. Euclid Rains, Sr., 26
Bobby C. Crow, 35	Thomas Reed, 82
Pat Davis, 58	John Rice, 80
Tom Drake, 11	Ben T. Richardson, 23
Roger D. Dutton, 7	John W. Rogers, 52
Sundra E. Escott, 60	James G. Sasser, 88
Dwight Faulk, 90	George G. Seibels, Jr., 47
Steve Flowers, 89	Curtis Smith, 72
Joe Ford, 28	Lewis G. Spratt, 59
Bill Fuller, 38	Nelson R. Starkey, 1
Victor Gaston, 100	John Starr, Jr., 75
J. W. "Joe" Goodwin, 3	John F. Tanner, 40
Billy Gray, 45	James Louis Thomas, 69
George Grayson, 19	Hoyt W. Trammell, 51
E. A. Grouby, Jr., 71	J. E. Turner, 102
Albert Hall, 22	Pete Turnham, 79
Seth Hammett, 92	Jack B. Venable, 31
Taylor Harper, 105	J. E. "Jimmy" Warren, 64
Bob Harvey, 27	Frank P. White, 64
Steve Hettinger, 20	Gary White, 55
Jimmy W. Holley, 91	Lester White, 81
Alvin Holmes, 78	Mary S. Zoghby, 97
Perry O. Hooper, Jr., 73	

# ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

1985

## FIRST EXTRAORDINARY SESSION

### OFFICERS

TOM DRAKE, *Speaker*, Cullman

ROY JOHNSON

*Speaker Pro-Tem*, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, Administrative Assistant to the Clerk

Lois F. Allen, Chief Clerk

### MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr. ....	301 N. Pine St., Florence 35630
2	COLBERT	Tom Coburn .....	1107 East 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	Denzel L. Clark .....	Route 2, Box 91, Killen 35645
5	LIMESTONE	Tommy Carter .....	Route 2, Box 72, Elkmont 35620
6	MADISON	Tom Butler .....	1803 Forney Drive, Huntsville 35805
7	LAWRENCE, MORGAN	Roger D. Dutton .....	R. R. No. 2, Trinity 35673
8	MORGAN	Charles B. Martin .....	P. O. Box 2538, Decatur 35602
9	MORGAN	Paul Parker .....	303 North Douglas St., Hartselle 35640
10	MADISON	Morris J. "Mo" Brooks, Jr. ....	9009 Randall Road Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake .....	P. O. Box 1165, Cullman 35055



**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 12 CULLMAN  
Bill Bowling ..... Route 2, Box 349, Hanceville 35077
- 13 WALKER  
Tom Nicholson ..... P. O. Box 248, Jasper 35501
- 14 TUSCALOOSA, WALKER  
Carl C. Brakefield ..... P. O. Box G, Carbon Hill 35549
- 15 PICKENS, TUSCALOOSA  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 16 FAYETTE, LAMAR, MARION  
Max Newman ..... P. O. Box 428, Millport 35576
- 17 MARION, WINSTON  
Jack B. Lauderdale ..... Route 1, Box 238, Hamilton 35570
- 18 FRANKLIN, MARION  
Charlie Britnell ..... Route 2, Box 376, Russellville 35653
- 19 MADISON  
George Grayson ..... P. O. Box 38, Normal 35762
- 20 MADISON  
Steve Hettinger ..... 100 Calhoun St., Huntsville 35801
- 21 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., Huntsville 35811
- 22 JACKSON, MADISON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Ben T. Richardson ..... P. O. Box 1017, Scottsboro 35768
- 24 DEKALB  
Ralph Burke ..... P. O. Box 876, Fort Payne 35967
- 25 MARSHALL  
Loyd Coleman ..... P. O. Box 67, Arab 35016
- 26 DEKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 27 BLOUNT  
Bob Harvey ..... Route 4, Box 708, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... Gadsden State Junior College  
George Wallace Dr., Gadsden 35901
- 29 ETOWAH  
June Bugg ..... 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR  
Bobby M. Junkins ..... 254 College St., Gadsden 35901
- 31 COOSA, ELMORE  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 32 TALLADEGA  
Jim Preuitt ..... P. O. Box 1063, Talladega 35160
- 33 TALLADEGA  
Ron G. Johnson ..... Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN  
Glen Browder ..... Route 2, Box 316, Jacksonville 36265
- 35 CALHOUN  
Bobby C. Crow ..... Route 10, Box 842, Anniston 36201
- 36 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36302
- 37 CHAMBERS, RANDOLPH, CLAY  
Richard Laird ..... 46 Randolph Plaza, Roanoke 36274
- 38 CHAMBERS  
Bill Fuller ..... 118 South LaFayette St., LaFayette 36062
- 39 CHEROKEE, CLEBURNE, DEKALB  
Richard J. Lindsey ..... Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY  
John F. Tanner ..... P. O. Box 37, Pelham 35214
- 41 SHELBY  
Sonny Moore ..... P. O. Box 44, Sterrett 35147
- 42 ST. CLAIR  
A. J. Blake ..... Route 1, Box 206A, Pell City 35125
- 43 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 44 JEFFERSON  
Arthur Payne ..... 2825 2nd Street, N. W., Birmingham 35215
- 45 JEFFERSON  
Billy Gray ..... 704 Lance Blvd., Birmingham 35206
- 46 JEFFERSON  
Spencer Bachus ..... 1122 22nd St., North, Birmingham 35234
- 47 JEFFERSON  
George G. Seibels, Jr. .... 4016 10th Avenue South  
Birmingham 35222
- 48 JEFFERSON  
Greg Beers ..... 1504 Verdure Circle, Birmingham 35266
- 49 JEFFERSON  
Jack Pratt ..... 5424 Wesley Drive, Midfield 35228
- 50 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020
- 51 JEFFERSON  
Hoyt W. Trammell ..... Route 15, Box 247, Birmingham 35224

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 52 JEFFERSON  
John W. Rogers ..... 1424 18th St., S. W., Birmingham 35211
- 53 JEFFERSON  
Demetrius C. Newton ..... P.O. Box 2525, Birmingham 35202
- 54 JEFFERSON  
George Perdue ..... P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON  
Gary White ..... 2826 S. 18th St., Homewood 35209
- 56 JEFFERSON  
Bobbie G. McDowell ..... 2322 Dartmouth, Bessemer 35020
- 57 JEFFERSON  
Chris McNair ..... Route 4, Box 388, Bessemer 35020
- 58 JEFFERSON  
Pat Davis ..... 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON  
Lewis G. Spratt ..... 3809 4th St. W., Birmingham 35207
- 60 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 61 TUSCALOOSA  
Bryant Melton, Jr. .... 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA  
Phil Poole ..... P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA  
Roy Johnson ..... Route 4, Box 140, Tuscaloosa 35405
- 64 CONECUH, MONROE  
J. E. (Jimmy) Warren ..... P. O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON  
Michael Onderdonk ..... P. O. Drawer 130, Chatom 36518
- 66 CHOCTAW, CLARKE, MARENGO  
Harrell Blakeney ..... 1101 Old Hwy. 5, So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER  
Lucius Black ..... P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE  
Jenkins Bryant, Jr. .... Route 1, Box 126, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX  
James Louis Thomas ..... Route 2, Box 509, Hayneville 36040
- 70 DALLAS  
W. F. "Noopie" Cosby, Jr. .... 1107 Dallas Ave. Selma 36701
- 71 AUTAUGA, CHILTON  
Ed Grouby ..... P. O. Box 188, Prattville 36067

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 72 **BIBB, CHILTON**  
Curtis Smith ..... P. O. Drawer 69, Clanton 35045
- 73 **MONTGOMERY**  
Perry O. Hooper, Jr. .... 509 S. Court St., Montgomery 36104
- 74 **MONTGOMERY**  
Bob McKee ..... P. O. Box 424, Montgomery 36101
- 75 **MONTGOMERY**  
John Starr, Jr. .... 2761 Forsyth Lane, Montgomery 36116
- 76 **ELMORE, MONTGOMERY**  
Mike Mikell ..... P. O. Box 993, Millbrook 36054
- 77 **MONTGOMERY**  
John L. Buskey ..... P. O. Box 6216, Montgomery 36106
- 78 **MONTGOMERY**  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 79 **LEE**  
Pete Turnham ..... Box 1592, Auburn 36830
- 80 **LEE**  
John Rice ..... P. O. Box 2432, Opelika 36801
- 81 **TALLAPOOSA**  
Lester White ..... 739 Freeman Street, Dadeville 36853
- 82 **BULLOCK, MACON**  
Thomas Reed ..... P. O. Drawer EE, Tuskegee Institute 36088
- 83 **RUSSELL**  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 84 **BARBOUR, RUSSELL**  
James S. (Jimmy) Clark ..... P. O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**  
John P. Beasley ..... P. O. Drawer M, Columbia 36319
- 86 **HOUSTON**  
~~Joe Carothers, Jr.~~ ..... ~~Route 8, Box 33, Dothan 36301~~
- 87 **GENEVA, HOUSTON**  
Nathan Mathis ..... Route 1, Newton 36352
- 88 **DALE**  
James G. Sasser ..... P. O. Box 1279, Ozark 36361
- 89 **PIKE, DALE**  
Steve Flowers ..... P. O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**  
Dwight Faulk ..... Route 2, Box 90, Honoraville 36042
- 91 **COFFEE**  
Jimmy W. Holley ..... Route 3, Box 191E, Elba 36323

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 92 COVINGTON  
Seth Hammett ..... P. O. Drawer 1607, Andalusia 36420
- 93 ESCAMBIA  
Frank P. "Skippy" White .... Rt. 1, Box 193-Pollard Flomaton 36441
- 94 BALDWIN  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
- 95 BALDWIN  
Steve McMillan ..... Box 337, Bay Minette 36507
- 96 MOBILE  
Mike Box ..... P. O. Box 216, Saraland 36571
- 97 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Drive, Mobile 36606
- 98 MOBILE  
William "Bill" Clark ..... 711 Atmore Ave., Pritchard 36612
- 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
Victor Gaston ..... 864 West Parkwood Drive, Mobile 36608
- 101 MOBILE  
Ken Kvalheim ..... 421 Dogwood Drive, Mobile 36609
- 102 MOBILE  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 103 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Avenue, Mobile 36603
- 104 MOBILE  
Beth Marietta ..... 204 S. Cedar Street, Mobile 36602
- 105 MOBILE  
Taylor Harper ..... P. O. Box 229, Grand Bay 36541

**LEGISLATIVE DAYS**  
**FIRST EXTRAORDINARY SESSION, 1985**

<i>Legislative Days</i>	<i>Calendar Days</i>	<i>Page</i>
FIRST DAY—Wednesday, January 23 .....		3
SECOND DAY—Thursday, January 24 .....		25
THIRD DAY—Friday, January 25 .....		35
FOURTH DAY—Monday, January 28 .....		74
FIFTH DAY—Tuesday, January 29 .....		82
SIXTH DAY—Wednesday, January 30 .....		122
SEVENTH DAY—Thursday, January 31 .....		145

**HOUSE BILLS NUMERICALLY****FIRST EXTRAORDINARY SESSION, 1985**

- H. 1—p. 8, 29, 41, 83, 94, 121, Act No. 85-106  
H. 2—p. 9, 30, 59, 60  
H. 3—p. 9, 26, 43, 84, 95, 121, Act No. 85-107  
H. 4—p. 9, 28  
H. 5—p. 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157, Act No. 85-124  
H. 6—p. 10, 26, 44, 45, 47, 57, 58, 66, 96, 120, 125, 134, 139, 144, 145, Act No. 85-79  
H. 7—p. 10, 29  
H. 8—p. 10, 85  
H. 9—p. 11, 27, 69, 139, 143, 144, 152, 153, 154, 156, 157, Act No. 85-125  
H. 10—p. 11, 26, 63, 139, 144, 145, Act No. 85-78  
H. 11—p. 11, 27, 63, 65, 66, 72, 73, 146, 148, 156, Act No. 85-123  
H. 12—p. 12, 30  
H. 13—p. 13, 32  
H. 14—p. 13, 31  
H. 15—p. 13, 32  
H. 16—p. 14, 32  
H. 17—p. 14, 79  
H. 18—p. 14, 85  
H. 19—p. 14, 79, 94  
H. 20—p. 14, 32  
H. 21—p. 15  
H. 22—p. 15, 32  
H. 23—p. 15, 28  
H. 24—p. 15, 33, 43, 84, 95, 121, Act No. 85-92  
H. 25—p. 15, 29  
H. 26—p. 15, 29  
H. 27—p. 16, 32, 73  
H. 28—p. 16, 33  
H. 29—p. 16, 31  
H. 30—p. 16, 31  
H. 31—p. 16, 32  
H. 32—p. 16, 85  
H. 33—p. 17  
H. 34—p. 17, 85  
H. 35—p. 17, 28, 81, 140, 143, 144, Act No. 85-118  
H. 36—p. 17, 78, 92, 93  
H. 37—p. 17, 29  
H. 38—p. 17, 29  
H. 39—p. 18  
H. 40—p. 18  
H. 41—p. 18, 30, 41, 85, 95, 121, Act No. 85-93  
H. 42—p. 18, 33  
H. 43—p. 18, 78, 93  
H. 44—p. 19, 85, 85  
H. 45—p. 19, 30, 42, 84, 95, 121, Act No. 85-91  
H. 46—p. 19, 30, 42  
H. 47—p. 19  
H. 48—p. 19, 28, 80, 81, 139, 144, 144, Act No. 85-119

## HOUSE BILLS NUMERICALLY (Continued)

- H. 49—p. 19, 35, 85
- H. 50—p. 20, 28
- H. 51—p. 20, 85
- H. 52—p. 20, 33



**HOUSE RESOLUTIONS NUMERICALLY  
FIRST EXTRAORDINARY SESSION, 1985**

HR	1—p. 5
HJR	2—p. 5, 36, 46, 74, Act No. 85-81
HR	3—p. 5
HJR	4—p. 5, 36, 46, 74, Act No. 85-82
HJR	5—p. 20, 36, 46, 74, Act No. 85-83
HR	6—p. 21
HJR	7—p. 21, 36, 46, 74, Act No. 85-84
HJR	8—p. 22, 36, 46, 74, Act No. 85-85
HJR	9—p. 22, 36, 46, 74, Act No. 85-86
HJR	10—p. 23, 36, 47, 74, Act No. 85-87
HJR	11—p. 24, 36, 47, 74, Act No. 85-88
HJR	12—p. 25
HJR	13—p. 33, 37, 47, 74, Act No. 85-89
HJR	14—p. 34, 37, 47, 74, Act No. 85-90
HJR	15—p. 37
HJR	16—p. 37, 51, 87, 121, Act No. 85-94
HJR	17—p. 38, 51, 87, 121, Act No. 85-95
HJR	18—p. 38, 51, 87, 121, Act No. 85-96
HJR	19—p. 39, 51, 87, 121, Act No. 85-97
HJR	20—p. 39, 51, 88, 121, Act No. 85-98
HJR	21—p. 40, 51, 88, 121, Act No. 85-99
HJR	22—p. 60, 83, 95, 121, Act No. 85-100
HJR	23—p. 61, 83, 95, 121, Act No. 85-101
HJR	24—p. 62, 83, 95, 121, Act No. 85-102
HR	25—p. 63
HJR	26—p. 79, 83, 95, 121, Act No. 85-103
HJR	27—p. 79, 83, 95, 121, Act No. 85-104
HJR	28—p. 80, 83, 96, 121, Act No. 85-105
HJR	29—p. 86, 141, 147, 156, Act No. 85-120
HJR	30—p. 123, 141, 147, 156, Act No. 85-121
HJR	31—p. 135
HJR	32—p. 135, 141, 148, 156, Act No. 85-122
HR	33—p. 136

**SENATE BILLS NUMERICALLY  
FIRST EXTRAORDINARY SESSION, 1985**

- S. 3—p. 52, 54, 77, 87
- S. 4—p. 56, 56, 78, 93, 124, Act No. 85-126
- S. 5—p. 56, 56, 78, 93, 124, Act No. 85-80
- S. 6—p. 53, 54, 77, 88, 124
- S. 7—p. 53, 54, 77, 88, 124, Act No. 85-127
- S. 8—p. 57, 57, 77, 89, 124, Act No. 85-128
- S. 9—p. 53, 54, 77, 89, 124, Act No. 85-129
- S. 10—p. 53, 54, 77, 89, 124, Act No. 85-130
- S. 11—p. 53, 54, 78, 90, 124, Act No. 85-131
- S. 12—p. 54, 54, 78, 90, 125, Act No. 85-132
- S. 13—p. 57, 57, 78, 91, 125, Act No. 85-133
- S. 14—p. 55, 56, 78, 91, 125, Act No. 85-134
- S. 15—p. 55, 56, 78, 91, 125, Act No. 85-135
- S. 16—p. 55, 56, 78, 92, 125, Act No. 85-136
- S. 18—p. 141
- S. 30—p. 54, 55, 76
- S. 35—p. 52, 77, 120, 123, Act No. 85-108

**SENATE RESOLUTIONS NUMERICALLY  
FIRST EXTRAORDINARY SESSION, 1985**

- SJR 1—p. 71, 75, Act No. 85-109
- SJR 2—p. 70
- SJR 3—p. 71, 75, Act No. 85-110
- SJR 4—p. 71, 75, Act No. 85-111
- SJR 5—p. 71, 76, Act No. 85-112
- SJR 6—p. 71, 76, Act No. 85-113
- SJR 7—p. 71, 76, Act No. 85-114
- SJR 19—p. 72, 76, Act No. 85-115
- SJR 20—p. 72, 76, Act No. 85-116
- SJR 21—p. 72, 76, Act No. 85-117
- SJR 31—p. 137, 140, Act No. 85-140
- SJR 40—p. 137, 140, Act No. 85-139
- SJR 41—p. 137
- SJR 42—p. 137, 138, 140, Act No. 85-138
- SJR 43—p. 138, 140, Act No. 85-137

**INDEX TO  
FIRST EXTRAORDINARY SESSION 1985**

**ACTS AMENDED, GENERAL ACTS**

1984 acts, act 84-294, regular session, Alabama a&m university, appropriation for technology—  
HB 27, pages 16, 32, 73

1984 acts, act 84-294, regular session, university of Alabama-Huntsville, appropriation for technology—  
HB 31, pages 16, 32

**ACTS AMENDED, LOCAL ACTS**

1967 acts, act 497, regular session, Marengo county, branch banking regulated further—  
HB 46, pages 19, 30, 42  
SB 13, pages 57, 57, 78, 91, 125, Act No. 85-133

1975 acts, act 110, third special session, Jefferson county, board of registrars, chairman, amount of compensation authorized to be retained—  
HB 36, pages 17, 78, 92, 93  
SB 5, pages 56, 56, 78, 93, 124, Act No. 85-80

1984 acts, act 84-599, regular session, Cullman county, use of recordation fee by probate judge authorized—  
SB 6, pages 53, 54, 77, 88, 124  
SB 11, pages 53, 54, 78, 90, 124, Act No. 85-131

**ACTS REPEALED, LOCAL ACTS**

1984 acts, act 84-434, regular session, Cullman county, county officials, certain, compensation altered—  
SB 10, pages 53, 54, 77, 89, 124, Act No. 85-130

1984 acts, act 84-492, regular session, Cullman county, use of recordation fee by probate judge authorized—  
SB 6, pages 53, 54, 77, 88, 124  
SB 11, pages 53, 54, 78, 90, 124, Act No. 85-131

1984 acts, act 84-628, regular session, Cullman county, associate county commissioners, compensation altered—  
SB 9, pages 53, 54, 77, 89, 124, Act No. 85-129

**ADMINISTRATION PROCEDURE**

Administrative procedure act, amended—  
HB 12, pages 12, 30

**AFRO-AMERICANS**

Public works programs, appropriation, to be administered by department of pensions and security—  
HB 40, page 18

**AGRICULTURAL AFFAIRS**

Agricultural and conservation development commission, established—  
HB 11, pages 11, 27, 63, 65, 66, 72, 73, 146, 148, 156, Act No. 85-123

## AGRICULTURAL AFFAIRS (Continued)

Agricultural development authority, authorized to finance certain facilities—

HB 26, pages 15, 29

## AGRICULTURE

Food and fiber industry, president Reagan and U.S. congress memorialized regarding—

SJR 4, pages 71, 75, Act No. 85-111

## AGRICULTURE AND INDUSTRIES DEPARTMENT

Appropriation, provided—

HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157, Act No. 85-124

## ALABAMA A&amp;M UNIVERSITY

Appropriation for technology, provided—

HB 27, pages 16, 32, 73

## ALABAMA TRUST FUND

Established for oil and gas lease proceeds, allocation of interest income regulated, constitutional amendment—

HB 6, pages 10, 26, 44, 45, 47, 57, 58, 66, 96, 120, 125, 134, 139, 144, 145, Act No. 85-79

## APPROPRIATIONS

Agricultural and conservation development commission, provided—

HB 11, pages 11, 27, 63, 65, 66, 72, 73, 146, 148, 156, Act No. 85-123

Alabama a&m university, provided—

HB 27, pages 16, 32, 73

Alabama trust fund, provided—

HB 6, pages 10, 26, 44, 45, 47, 57, 58, 66, 96, 120, 125, 134, 139, 144, 145, Act No. 85-79

Health department, pensions and security department, mental health department, environmental management department, agriculture department, corrections department, military department, public safety, emergency management agency, state insurance fund, provided—

HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157, Act No. 85-124

Louisiana, Mississippi, Alabama rapid rail transit commission, conditional, provided—

HB 51, pages 20, 85

University of Alabama-Huntsville, technology, provided—

HB 31, pages 16, 32

## ATTORNEYS

Alabama bar association, fees increased, exemptions removed—

HB 13, pages 13, 32

## ATTORNEYS (Continued)

License tax increase, certain exemptions removed—

HB 48, pages 19, 28, 80, 81, 139, 144, 144, Act No. 85-119

## AUTHORITIES

Commission on engineering education, created—

HB 52, pages 20, 33

## BAIL

Municipal ordinances, bail of persons charged under, judgments of municipal courts, appeal to circuit court—

HB 30, pages 16, 31

## BANKS AND BANKING

Alabama trust fund established—

HB 6, pages 10, 26, 44, 45, 47, 57, 58, 66, 96, 120, 125, 134, 139, 144, 145, Act No. 85-79

Bad checks, charges authorized to assess, regulated—

HB 7, pages 10, 29

## BENTLEY, MR. HUGH ASHBY

Death mourned—

HJR 28, pages 80, 83, 96, 121, Act No. 85-105

## BIRMINGHAM

Corporate limits altered—

HB 18, pages 14, 85

## BISHOP, CECIL

Commended—

HJR 22, pages 60, 83, 95, 121, Act No. 85-100

## BLIND

Vendors, certain, sales and use tax and gross receipts taxes, exempt—

HB 44, pages 19, 85, 85

## BOARD OF EDUCATION, CITY

Minimum number of school days due to natural disaster, shortened, authorized—

HB 47, page 19

## BOARD OF REGISTRARS

Jefferson county, chairman, amount of compensation authorized to be retained—

HB 36, pages 17, 78, 92, 93—

SB 5, pages 56, 56, 78, 93, 124, Act No. 85-80

## BONDS

Corrections institution finance authority, power to issue, regulated—

HB 9, pages 11, 27, 69, 139, 143, 144, 152, 153, 154, 156, 157, Act No. 85-125

**BONDS (Continued)**

License commissioners, revenue commissioners, other officers, required same as tax collector—

HB 14, pages 13, 31

Probate judges, requirement, regulated—

HB 15, pages 13, 32

**BOUNDARIES**

Birmingham, corporate limits, altered—

HB 18, pages 14, 85

Fultondale, corporate limits, altered—

HB 19, pages 14, 79, 94

SB 18, page 141

Gardendale, corporate limits altered—

HB 17, pages 14, 79

Hackleburg, corporate limits altered—

HB 24, pages 15, 33, 43, 84, 95, 121, Act No. 85-92

**BUSINESS AND COMMERCE**

Bad checks, charges authorized to assess, regulated—

HB 7, pages 10, 29

**CALERA HIGH SCHOOL**

Football team, commended—

HJR 18, pages 38, 51, 87, 121, Act No. 85-96

**CHEROKEE COUNTY HIGH SCHOOL**

Football team, commended—

HJR 21, pages 40, 51, 88, 121, Act No. 85-99

**CHILDREN**

Enticement of, crime established—

HB 16, pages 14, 32

**CIRCUIT COURT**

Municipal ordinances, bail of persons charged under, judgments of municipal courts, appeal to circuit court—

HB 30, pages 16, 31

Municipal ordinances, procedure for introduction as evidence in—

HB 29, pages 16, 31

**CITY COUNCIL**

Class 4 municipalities, abandonment of commission form of government, adoption of mayor-council form of government—

HB 3, pages 9, 26, 43, 84, 95, 121, Act No. 85-107

SB 30, pages 54, 55, 76

**CODE OF ALABAMA 1975, AMENDED**

Chapter 22, title 41, administrative procedure act, amended—

HB 12, pages 12, 30

## CODE OF ALABAMA 1975, AMENDED (Continued)

Section 2-3A-2, agricultural development authority, financing certain facilities, authorized—  
HB 26, pages 15, 29

Section 8-17-91, petroleum inspection fees, distribution of, regulated—  
HB 25, pages 15, 29

Section 9-17-26, oil and gas production tax, reporting date altered—  
HB 34, pages 17, 85

Section 12-13-33, probate judges, bonding requirement, regulated—  
HB 15, pages 13, 32

Sections 12-14-5 and 12-14-70, municipal ordinances, bail of persons charged under, judgments of municipal courts, appeal to circuit court—  
HB 30, pages 16, 31

Section 13A-6-69, children, enticement of, crime established—  
HB 16, pages 14, 32

Sections 14-2-1, 14-2-6, 14-2-8, 14-2-11, 14-2-12, 14-2-14, 14-2-16, 14-2-21, 14-2-22, 14-2-25, 14-2-28, 14-2-29 and 14-2-30, corrections institution finance authority, power to issue bonds and notes, regulated—  
HB 9, pages 11, 27, 69, 139, 143, 144, 152, 153, 154, 156, 157, Act No. 85-125

Section 16-36-2, textbook committee, number of classroom teacher members, increased—  
HB 28, pages 16, 32

Section 22-2-4, state committee on public health, expense allowance—  
HB 37, pages 17, 29

Section 29-4-42, legislature, additional personnel, authorized—  
SB 35, pages 52, 77, 120, 123, Act No. 85-108

Section 34-11-2, engineers, practice of, defined—  
HB 4, pages 9, 28

Section 36-1-6, state employees, motor vehicle liability limits, regulated—  
HB 35, pages 17, 28, 81, 140, 143, 144, Act No. 85-118

~~Section 36-29-2, state employees' insurance board, retiree members authorized—~~  
HB 8, pages 10, 85

Section 36-29-10, employees, retired, election to continue under group insurance plan, premium paid by state—  
HB 50, pages 20, 28

Section 40-5-3, license commissioners, revenue commissioners, other officers, bonding requirement, same as tax collector—  
HB 14, pages 13, 31

Section 40-12-49, Alabama bar association, fees increased, exemptions removed—  
HB 13, pages 13, 32



## CODE OF ALABAMA 1975, AMENDED (Continued)

Section 40-12-49, attorneys, license tax increase, certain exemptions removed—

HB 48, pages 19, 28, 80, 81, 139, 144, 144, Act No. 85-119

Section 40-20-5, oil and gas production privilege tax, reporting date, altered—

HB 32, pages 16, 85

Sections 40-23-4 and 40-23-5, blind vendors, certain, sales, use and gross receipt taxes, exempt—

HB 44, pages 19, 85, 85

Sections 40-23-4 and 40-23-62, oil and gas drilling equipment used in federal waters, tax exempt—

HB 33, page 17

Section 41-16-21, hospitals and medical facilities operated by state institutions, exempt from competitive bid laws—

HB 38, pages 17, 29

## COLLEGES AND UNIVERSITIES

Commission on engineering education, created—

HB 52, pages 20, 33

Sex discrimination in pay of teachers, prohibited—

HB 22, pages 15, 32

## COMMON CARRIERS

Hazardous materials, transporting upon highway, speed violations, penalties regulated—

HB 20, pages 14, 32

## COMPETITIVE BIDS

Hospitals and medical facilities operated by state institutions, exempt from—

HB 38, pages 17, 29

## CONSTITUTIONAL AMENDMENTS

Agricultural and conservation development commission, established, duties and powers—

HB 11, pages 11, 27, 63, 65, 66, 72, 73, 146, 148, 156, Act No. 85-123

Alabama trust fund, established for oil and gas lease proceeds, allocation of interest income regulated—

HB 6, pages 10, 26, 44, 45, 47, 57, 58, 66, 96, 120, 125, 134, 139, 144, 145, Act No. 85-79

Emergency services trust fund, established, oil and gas revenues—

HB 21, page 15

Soil and water conservation commission, established—

HB 10, pages 11, 26, 63, 139, 144, 145, Act No. 85-78

## CONSUMER CREDIT

Bad checks, charges authorized to assess, regulated—

HB 7, pages 10, 29

## COOSA VALLEY ACADEMY

Football team, commended—

HJR 20, pages 39, 51, 88, 121, Act No. 85-98

## CORRECTIONS INSTITUTIONS FINANCE AUTHORITY

Bonds and notes, power to issue, regulated—

HB 9, pages 11, 27, 69, 139, 143, 144, 152, 153, 154, 156, 157, Act No. 85-125

## COUNTIES

Cullman, associate county commissioners, compensation altered—

SB 9, pages 53, 54, 77, 89, 124, Act No. 85-129

Cullman, board of health, fix fees based on actual cost upon approval by county commission, indigent care, provided—

SB 16, pages 55, 56, 78, 92, 125, Act No. 85-136

Cullman, county officials, certain, compensation altered—

SB 10, pages 53, 54, 77, 89, 124, Act No. 85-130

Cullman, motor vehicle license tags, issuance by mail—

SB 8, pages 57, 57, 77, 89, 124, Act No. 85-128

Cullman, probate judge, fee for copying instruments, regulated—

SB 7, pages 53, 54, 77, 88, 124, Act No. 85-127

Cullman, use of recordation fee by probate judge, authorized—

SB 6, pages 53, 54, 77, 88, 124

SB 11, pages 53, 54, 78, 90, 124, Act No. 85-131

Jackson, probate judge, expense allowance—

HB 41, pages 18, 30, 41, 85, 95, 121, Act No. 85-93

Jefferson, board of registrars, chairman, compensation, regulated—

HB 36, pages 17, 78, 92, 93

SB 5, pages 56, 56, 78, 93, 124, Act No. 85-80

Jefferson, deputy probate judge, compensation—

HB 43, pages 18, 78, 93

Jefferson, probate judge, compensation—

SB 4, pages 56, 56, 78, 93, 124, Act No. 85-126

Marengo, branch banking, regulated further—

HB 46, pages 19, 30, 42

SB 13, pages 57, 57, 78, 91, 125, Act No. 85-133

Marion, Hackleburg, corporate limits altered—

HB 24, pages 15, 33, 43, 84, 95, 121, Act No. 85-92

St. Clair, health department, fees, altered—

HB 45, pages 19, 30, 42, 84, 95, 121, Act No. 85-91

Tuscaloosa, beer tax, leveled, distribution of—

HB 2, pages 9, 30, 59, 60

Tuscaloosa, county commission, new districts, county engineer and city clerk authorized—

HB 1, pages 8, 29, 41, 83, 94, 121, Act No. 85-106

SB 3, pages 52, 54, 77, 87

## COUNTIES (Continued)

Washington, county commission, compensation—

SB 14, pages 55, 56, 78, 91, 125, Act No. 85-134

Washington, judge of probate, monthly compensation, increased—

SB 15, pages 55, 56, 78, 91, 125, Act No. 85-135

Washington, tax assessor and tax collector, compensation—

SB 12, pages 54, 54, 78, 90, 125, Act No. 85-132

## COUNTY COMMISSIONS

Cullman county, associate member, compensation altered—

SB 9, pages 53, 54, 77, 89, 124, Act No. 85-129

Tuscaloosa, new districts, county engineer and city clerk authorized—

HB 1, pages 8, 29, 41, 83, 94, 121, Act No. 85-106

SB 3, pages 52, 54, 77, 87

Washington county, compensation—

SB 14, pages 55, 56, 78, 91, 125, Act No. 85-134

## COUNTY OFFICERS AND EMPLOYEES

Cullman county, county officials, certain, compensation altered—

SB 10, pages 53, 54, 77, 89, 124, Act No. 85-130

Jackson county, probate judge, expense allowance—

HB 41, pages 18, 30, 41, 85, 95, 121, Act No. 85-93

Tuscaloosa county, county commission, new districts, county engineer and city clerk authorized—

HB 1, pages 8, 29, 41, 83, 94, 121, Act No. 85-106

SB 3, pages 52, 54, 77, 87

## CRIMES AND OFFENSES

Bad checks, charges authorized to assess, authorized—

HB 7, pages 10, 29

Children, enticement of, crime established—

HB 16, pages 14, 32

Transporting hazardous materials upon highway, speed violations, penalties regulated—

HB 20, pages 14, 32

## CULLMAN COUNTY

Associate county commissioners, compensation altered—

SB 9, pages 53, 54, 77, 89, 124, Act No. 85-129

Board of health, authorized to fix fees—

SB 16, pages 55, 56, 78, 92, 125, Act No. 85-136

County officials, compensation altered—

SB 10, pages 53, 54, 77, 89, 124, Act No. 85-130

Motor vehicle license tag, issuance by mail—

SB 8, pages 57, 57, 77, 89, 124, Act No. 85-128

**CULLMAN COUNTY (continued)**

Recordation fee, use of by probate judge, authorized—  
SB 6, pages 53, 54, 77, 88, 124  
SB 11, pages 53, 54, 78, 90, 125, Act No. 85-131

**DISTRICT COURT**

Municipal ordinances, procedure for introduction as evidence in—  
HB 29, pages 16, 31

**DRUGS**

School personnel, exempt from civil liability for reporting drug activity  
by students—  
HB 42, pages 18, 33

**DUTTON, MR. AND MRS. ROGER**

Congratulated—  
HJR 26, pages 79, 83, 95, 121, Act No. 85-103

**EDUCATION**

Boards of, authorized to shorten minimum number of school days due  
to natural disaster—  
HB 47, page 19

School personnel, exempt from civil liability for reporting drug activity  
by students—  
HB 42, pages 18, 33

Textbook committee, number of classroom teacher members, increased—  
HB 28, pages 16, 33

**EMERGENCY MEDICAL SERVICES**

Emergency services trust fund, oil and gas revenues, established—  
HB 21, page 15

**EMPLOYEES RETIREMENT SYSTEM**

Insurance plan, election to continue coverage under group, premium paid  
by state—  
HB 50, pages 20, 28

**ENGINEERS**

Commission on engineering education, created—  
HB 52, pages 20, 33

Engineers, practice of, defined—  
HB 4, pages 9, 28

**ENVIRONMENT**

Agricultural and conservation development commission, established—  
HB 11, pages 11, 27, 63, 65, 66, 72, 73, 146, 148, 156, Act No. 85-  
123

Soil and water conservation commission, established—  
HB 10, pages 11, 26, 63, 139, 144, 145, Act No. 85-78

## ENVIRONMENTAL MANAGEMENT DEPARTMENT

Administrative procedure act, amended—

HB 12, pages 12, 30

Appropriation, provided—

HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157,  
Act No. 85-124

## FORESTRY COMMISSION

Appropriation, provided—

HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157,  
Act No. 85-124

## FULTONDALE

Corporate limits altered—

HB 19, pages 14, 79, 94—  
SB 18, page 141

## GARDENDALE

Corporate limits altered—

HB 17, pages 14, 79

## HACKLEBURG

Corporate limits altered—

HB 24, pages 15, 33, 43, 84, 95, 121, Act No. 85-92

## HANDICAPPED

Blind vendors, certain, sales, use and gross receipt taxes, exempt—

HB 44, pages 19, 85, 85

## HARPER, TAYLOR FREELAND

Commended—

HJR 8, pages 22, 36, 46, 74, Act No. 85-85

## HAZARDOUS WASTE

Transporting, upon highways, speed violations, penalties—

HB 20, pages 14, 32

## HEALTH DEPARTMENT

Appropriation, provided—

HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157,  
Act No. 85-124

## HEALTH DEPARTMENT, CITY

State board of health to see fees for—

HB 39, page 18

## HIGHWAYS

Transporting hazardous materials upon, speed violations, penalties regulated—

HB 20, pages 14, 32

**HOSPITALS**

Hospitals and medical facilities operated by state institutions, exempt from competitive bid law—  
HB 38, pages 17, 29

**HOUSE OF REPRESENTATIVES**

Additional personnel, authorized to hire—  
SB 35, pages 52, 77, 120, 123, Act No. 85-108

**INSURANCE DEPARTMENT**

Appropriation, provided—  
HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 157, 157,  
Act No. 85-124

**JACKSON COUNTY**

Probate judge, expense allowance—  
HB 41, pages 18, 30, 41, 85, 95, 121, Act No. 85-93

**JEFFERSON COUNTY**

Board of registrars, chairman, compensation—  
HB 36, pages 17, 78, 92, 93—  
SB 5, pages 56, 56, 78, 93, 124, Act No. 85-80

Deputy probate judge, compensation—  
HB 43, pages 18, 78, 93

Probate judge, compensation—  
SB 4, pages 56, 56, 78, 93, 124, Act No. 85-126

**JONES, DEAN**

Commended—  
HR 3, page 5

**JUDGE, PROBATE**

Bonding requirement regulated—  
HB 15, pages 13, 32

**KELLER, BOBBY**

~~Commended—~~  
HJR 12, page 25

**LICENSE AND LICENSING**

Alabama bar association, fees increased, exemptions removed—  
HB 13, pages 13, 32

Attorneys, license tax increase, exemptions removed—  
HB 48, pages 19, 28, 80, 81, 139, 144, 144, Act No. 85-119

**LICENSE COMMISSIONER**

Bonding requirement, same as tax collector—  
HB 14, pages 13, 31

**LICENSE PLATES**

Veterans organization commanders, distinctive, provided—  
HB 49, pages 19, 35, 85

**LOUISIANA-MISSISSIPPI-ALABAMA RAPID TRANSIT AUTHORITY**

Appropriation, conditional, provided—  
HB 51, pages 20, 85

**MARENGO COUNTY**

Branch banking, regulated—  
HB 46, pages 19, 30, 42  
SB 13, pages 57, 57, 78, 91, 125, Act No. 85-133

**MARION COUNTY**

Hackleburg, corporate limits altered—  
HB 24, pages 15, 33, 43, 84, 95, 121, Act No. 85-92

**MAYORS**

Class 4 municipalities, abandonment of commission form of government,  
adoption of mayor-council form—  
HB 3, pages 9, 26, 43, 84, 95, 121, Act No. 85-107  
SB 30, pages 54, 55, 76

**McCALL, GERTRUDE WILLIAMS SUTTLES**

Death mourned—  
HR 25, page 63

**McKINNEY, KENNETH**

Commended—  
SJR 20, pages 72, 76, Act No. 85-116

**MEDICAL EYE MONTH**

January, 1985, endorsed—  
SJR 19, pages 72, 76, Act No. 85-115

**MENTAL HEALTH DEPARTMENT**

Appropriation, provided—  
HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157,  
Act No. 85-124

**MILITARY DEPARTMENT**

Appropriation, provided—  
HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157,  
Act No. 85-124

**MINORS**

Children, enticement of, crime established—  
HB 16, pages 14, 32

**MONTEVALLO HIGH SCHOOL**

Football team, commended—  
HJR 17, pages 38, 51, 87, 121, Act No. 85-95

## MOTOR VEHICLES

State employees, motor vehicle liability limits, regulated—  
HB 35, pages 17, 28, 81, 140, 143, 144, Act No. 85-118

## MUNICIPAL ORDINANCES

Bail of persons charged under, judgment of municipal courts, appeals—  
HB 30, pages 16, 31

Procedure for introduction as evidence in—  
HB 29, pages 16, 31

## NAMATH, JOE

Commended—  
SJR 3, pages 71, 75, Act No. 85-110

## NELSON, NASH

Commended—  
SJR 1, pages 71, 75, Act No. 85-109

## NESBITT, MR. AND MRS. F.

Commended—  
HJR 10, pages 23, 36, 47, 74, Act No. 85-87

## NUNN, ALEXANDER

Death mourned—  
SJR 7, pages 71, 76, Act No. 85-114

## OIL AND GAS

Alabama trust fund, established—  
HB 6, pages 10, 26, 44, 45, 47, 57, 58, 66, 96, 120, 125, 134, 139,  
144, 145, Act No. 85-79

Drilling equipment used in federal waters, tax exempt—  
HB 33, page 17

Emergency services trust fund, established—  
HB 21, page 15

Petroleum inspection fees, distribution of—  
~~HB 25, pages 15, 29~~

Production privilege tax, reporting date, altered—  
HB 32, pages 16, 85

Production tax, reporting date, altered—  
HB 34, pages 17, 85

## PENSIONS AND SECURITY DEPARTMENT

Appropriation, provided—  
HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157,  
Act No. 85-124

Public works programs, appropriation, administered by—  
HB 40, page 18



## PRISONS AND PRISONERS

Corrections institution finance authority, power to issue bonds and notes, regulated—

HB 9, pages 11, 27, 69, 139, 143, 144, 152, 153, 154, 156, 157, Act No. 85-125

## PROFESSIONS

Attorneys, license tax increase, exemptions, certain, removed—

HB 48, pages 19, 28, 80, 81, 139, 144, 144, Act No. 85-119

Engineers, practice of, defined—

HB 4, pages 9, 28

## PRUETT, JEANNE

Commended—

HJR 7, pages 21, 36, 46, 74, Act No. 85-84

## PUBLIC SAFETY DEPARTMENT

Appropriation, provided—

HB 5, pages 9, 27, 66, 69, 73, 141, 147, 149, 151, 155, 155, 157, Act No. 85-124

## PUBLIC WORKS

Programs, appropriation to be administered by pensions and security—

HB 40, page 18

## RAILROADS

Louisiana, Mississippi, Alabama rapid rail transit commission, appropriation, conditional, provided—

HB 51, pages 20, 85

## REAGAN, RONALD

Food and fiber industry, memorialized regarding—

SJR 4, pages 71, 75, Act No. 85-111

## RESOLUTIONS, CONDOLENCE

Bentley, mr. Hugh Ashby, death mourned—

HJR 28, pages 80, 83, 96, 121, Act No. 85-105

Brogden, Clarence Albert, death mourned—

SJR 6, pages 71, 76, Act No. 85-113

McCall, Gertrude Williams Suttles, death mourned—

HR 25, page 63

Nunn, Alexander, death mourned—

SJR 7, pages 71, 76, Act No. 85-114

Warren, Callie, L., death mourned—

HJR 23, pages 61, 83, 95, 121, Act No. 85-101

Williams, Roscoe A., death mourned—

HJR 24, pages 62, 83, 95, 121, Act No. 85-102

## RESOLUTIONS, CONGRATULATORY

Bishop, Cecil, commended—

HJR 22, pages 60, 83, 95, 121, Act No. 85-100

Calera high school football team, commended—

HJR 18, pages 38, 51, 87, 121, Act No. 85-96

Cherokee county high school football team, commended—

HJR 21, pages 40, 51, 88, 121, Act No. 85-99

Coosa valley academy football team, commended—

HJR 20, pages 39, 51, 88, 121, Act No. 85-98

Dutton, mr. and mrs. Roger, congratulated—

HJR 26, pages 79, 83, 95, 121, Act No. 85-103

Fuqua, mr. James W., Sr., congratulated—

HJR 13, pages 33, 37, 47, 74, Act No. 85-89

Harper, Taylor, commended—

HJR 8, pages 22, 36, 46, 74, Act No. 85-85

Jones, Dean, commended—

HR 3, page 5

Keller, Bobby, commended—

HJR 12, page 25

McKinney, Kenneth, commended—

SJR 20, pages 72, 76, Act No. 85-116

Montevallo high school football team, commended—

HJR 17, pages 38, 51, 87, 121, Act No. 85-95

Namath, Joe, commended—

SJR 3, pages 71, 75, Act No. 85-110

Nelson, Nash, commended—

SJR 1, pages 71, 75, Act No. 85-109

Nesbitt, mr. and mrs. F., commended—

HJR 10, pages 23, 36, 47, 74, Act No. 85-87

Pruett, Jeanne, commended—

HJR 7, pages 21, 36, 46, 74, Act No. 85-84

Rose, Larry, commended—

HJR 4, pages 5, 36, 46, 74, Act No. 85-82

Shelby county high school football team, commended—

HJR 19, pages 39, 51, 87, 121, Act No. 85-97

T.R. Miller high school football team, commended—

HJR 11, pages 24, 36, 47, 74, Act No. 85-88

Tate, Steve and Jackie, commended—

HJR 14, pages 34, 37, 47, 74, Act No. 85-90

Thomasville academy football team, commended—

HR 6, page 21

## RESOLUTIONS, CONGRATULATORY (Continued)

- Thompson, Ann, commended—  
SJR 5, pages 71, 76, Act No. 85-112
- Valley head high school football team, commended—  
HJR 5, pages 20, 36, 46, 74, Act No. 85-83
- Walker regional medical center, congratulated—  
HJR 27, pages 79, 83, 95, 121, Act No. 85-104
- WAQ television station, commended—  
SJR 21, pages 72, 76, Act No. 85-117
- Wright, David N., commended—  
HJR 9, pages 22, 36, 46, 74, Act No. 85-86

## RESOLUTIONS, LEGISLATIVE

- Food and fibre industry, president Reagan and U.S. Congress memorialized regarding—  
SJR 4, pages 71, 75, Act No. 85-111
- Governor, committee named to notify that Legislature is in session—  
HJR 2, pages 5, 36, 46, 74, Act No. 85-81
- Legislative compensation, joint interim committee to study—  
HJR 15, page 37
- Medical eye month, endorsed—  
SJR 19, pages 72, 76, Act No. 85-115
- Oklahoma, membership in southern regional education board—  
HJR 16, pages 37, 51, 87, 121, Act No. 85-97
- Senate, notified that house is in session—  
HR 1, page 5

## REVENUE COMMISSIONER

- Bonding requirements, same as tax collector—  
HB 14, pages 13, 31

## REVENUE DEPARTMENT

- Oil and gas production tax, reporting date altered—  
HB 34, pages 17, 85

## ROSE, LARRY

- Commended—  
HJR 4, pages 5, 36, 46, 74, Act No. 85-82

## SALES TAX

- Oil and gas drilling equipment used in federal water, exempt—  
HB 33, page 17
- Blind vendors, certain, exempt—  
HB 44, pages 19, 85, 85

## SCHOOLS

- Boards of education, minimum number of days due to natural disasters, shortened—  
HB 47, page 19

## SCHOOLS (Continued)

Personnel, drug activity communications, civil liability exempt—  
HB 42, pages 18, 33

## SENATE

Personnel, authorized to employ additional—  
SB 35, pages 52, 77, 120, 123, Act No. 85-108

## SHELBY COUNTY HIGH SCHOOL

Football team, commended—  
HJR 19, pages 39, 51, 87, 121, Act No. 85-97

## SOUTHERN REGIONAL EDUCATION BOARD

Oklahoma, membership in—  
HJR 16, pages 37, 51, 87, 121, Act No. 85-94

## ST. CLAIR COUNTY

Health department fees, altered—  
HB 45, pages 19, 30, 42, 84, 95, 121, Act No. 85-91

## STATE EMPLOYEES

Insurance board, retiree members, authorized—  
HB 8, pages 10, 85

Motor vehicle liability limits, regulated—  
HB 35, pages 17, 28, 81, 140, 143, 144, Act No. 85-118

Retired, election to continue coverage under group insurance plan, premium paid by state—  
HB 50, pages 20, 28

State committee on public health, expense allowance—  
HB 37, pages 17, 29

## STATE EMPLOYEES INSURANCE BOARD

Retired employees, election to continue coverage under—  
HB 50, pages 20, 28

Retired members, authorized—  
HB 8, pages 10, 85

## TATE, STEVE AND JACKIE

Commended—  
HJR 14, pages 34, 37, 47, 74, Act No. 85-90

## TAX ASSESSOR

Cullman county, motor vehicle license tags, issuance by mail—  
SB 8, pages 57, 57, 77, 89, 124, Act No. 85-128

Washington county, compensation—  
SB 12, pages 54, 54, 78, 90, 125, Act No. 85-132

## TAX COLLECTOR

Washington county, compensation—  
SB 12, pages 54, 54, 78, 90, 125, Act No. 85-132

## TAXATION

Attorneys, license tax increase, exemptions removed—

HB 48, pages 19, 28, 80, 81, 139, 144, 144, Act No. 85-119

Oil and gas drilling equipment used in federal waters, exempt—

HB 33, page 17

## TEACHERS RETIREMENT SYSTEM

Retirees, election to continue coverage under group insurance plan,  
premium paid by state—

HB 50, pages 20, 28

## TEXTBOOKS

Textbook committee, number of classroom teacher members, increased—

HB 28, pages 16, 33

## THOMASVILLE ACADEMY

Football team, commended—

HR 6, page 21

## THOMPSON, ANN

Commended—

SJR 5, pages 71, 76, Act No. 85-112

## TUSCALOOSA

Abandonment of commission form of government, adoption of mayor-  
council form—

HB 3, pages 9, 26, 43, 84, 95, 121, Act No. 85-107

SB 30, pages 54, 55, 76

## TUSCALOOSA COUNTY

County commission, new districts, county engineer and city clerk au-  
thorized—

HB 1, pages 8, 29, 41, 83, 94, 121, Act No. 85-106

SB 3, pages 52, 54, 77, 87

Levelized beer tax, distribution—

HB 2, pages 9, 30, 59, 60

## U.S. CONGRESS

Food and fiber industry, memorialized regarding—

SJR 4, pages 71, 75, Act No. 85-111

## UNIVERSITY OF ALABAMA-HUNTSVILLE

Appropriation for technology—

HB 31, pages 16, 32

## VALLEY HEAD HIGH SCHOOL

Football team, commended—

HJR 5, pages 20, 36, 46, 74, Act No. 85-83

**VENDING MACHINES**

Blind vendors, certain, tax exemptions—  
HB 44, pages 19, 85, 85

**VETERANS**

Organizations, commanders, distinctive license plate authorized—  
HB 49, pages 19, 35, 85

**WALKER REGIONAL MEDICAL CENTER**

Congratulated—  
HJR 27, pages 79, 83, 95, 121, Act No. 85-104

**WAQ TELEVISION STATION**

Commended—  
SJR 21, pages 72, 76, Act No. 85-117

**WARREN, CALLIE L.**

Commended—  
HJR 23, pages 61, 83, 95, 121, Act No. 85-101

**WASHINGTON COUNTY**

County commission, compensation—  
SB 14, pages 55, 56, 78, 91, 125, Act No. 85-134

Judge of probate, compensation, increase—  
SB 15, pages 55, 56, 78, 91, 125, Act No. 85-135

Tax assessor and tax collector, compensation—  
SB 12, pages 54, 54, 78, 90, 125, Act No. 85-132

**WILLIAMS, ROSCOE A.**

Death mourned—  
HJR 24, pages 62, 83, 95, 121, Act No. 85-102

**WOMEN**

Sex discrimination in pay of teachers, prohibited—  
HB 22, pages 15, 32

**WORTHLESS CHECKS**

Charges authorized to assess, regulated—  
HB 7, pages 10, 23

**WRIGHT, DAVID N.**

Commended—  
HJR 9, pages 22, 36, 46, 74, Act No. 85-86